City of Pensacola

City Council Special Meeting

Agenda

City of Pensacola
222 W. Main Street
Pensacola, FL 32502

October 22, 2025, 5:30 PM **City Council Chambers, 1st Floor**

The meeting can be watched via live stream at cityofpensacola.com/video.

ROLL CALL

DISCUSSION ITEMS

ACTION ITEMS

1. 25-1397 QUASI-JUDICIAL HEARING -- REVIEW OF ARCHITECTURAL REVIEW BOARD (ARB) DECISION - VARIANCE REGARDING 627 EAST GOVERNMENT STREET

Recommendation: That City Council conduct a quasi-judicial hearing on October 22, 2025, for the purpose of reviewing a decision made by the ARB concerning a variance request at 627 East Government Street. Further, that City Council either confirm the ARB decision, reverse the ARB decision, or vacate the decision and remand back to the ARB for rehearing.

Sponsors: Council President Jared Moore

Attachments: *Petition for Review - Ltr Petition and Exhibits - City of Pensacola ARB*
ARB Meeting Minutes August 21, 2025
627 E. Government Street_Complete Packet_variance
627 E. Government Street_supplemental information shared at meeting

2. 25-1399 LEGISLATIVE HEARING - REVIEW OF ARCHITECTURAL REVIEW BOARD (ARB) DECISION - DEMOLITION REQUEST - 627 E. GOVERNMENT ST.

Recommendation: That City Council conduct a legislative hearing on October 22, 2025, for the purpose of reviewing a decision made by the ARB concerning a demoliton request at 627 East Government Street. Further, that City Council either affirm the ARB decision, reverse the ARB decision, or vacate the decision and remand back to the ARB for rehearing.

Sponsors: Council President Jared Moore

Attachments: *Petition for Review - Ltr Petition and Exhibits - City of Pensacola ARB*

ARB Meeting Minutes August 21, 2025
627 E. Government Street_Complete Packet_demo
627 E. Government Street_supplemental information shared at meeting

3. 25-1400 LEGISLATIVE HEARING -- REVIEW OF ARCHITECTURAL REVIEW BOARD (ARB) DECISION - CONCEPTUAL REVIEW AT 627 E. GOVERNMENT STREET

Recommendation: That City Council conduct a legislative hearing on October 22, 2025, for the purpose of reviewing a decision made by the ARB concerning a conceptual review request at 627 East Government Street. Further, that City Council either affirm the ARB decision, reverse the ARB decision, or vacate the decision and remand back to the ARB for rehearing.

Sponsors: Council President Jared Moore

Attachments: *Petition for Review - Ltr Petition and Exhibits - City of Pensacola ARB*
ARB Meeting Minutes August 21, 2025
627 E. Government Street_Complete Packet_conceptual
627 E. Government Street_supplemental information shared at meeting

ADJOURNMENT

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the invocation and to stand and recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

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.

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File #: 25-1397 City Council 10/22/2025

QUASI-JUDICIAL HEARING

SPONSOR: Council President Jared Moore

SUBJECT:

QUASI-JUDICIAL HEARING -- REVIEW OF ARCHITECTURAL REVIEW BOARD (ARB) DECISION - VARIANCE REGARDING 627 EAST GOVERNMENT STREET

RECOMMENDATION:

That City Council conduct a quasi-judicial hearing on October 22, 2025, for the purpose of reviewing a decision made by the ARB concerning a variance request at 627 East Government Street. Further, that City Council either confirm the ARB decision, reverse the ARB decision, or vacate the decision and remand back to the ARB for rehearing.

HEARING REQUIRED: Quasi-Judicial Hearing Required

SUMMARY:

On August 21, 2025, the ARB issued decisions based on ARB Case Nos. 25-1051, 627 E. Government St. Applicant sought, (1) approval to reduce the rear yard setback on Bayfront Parkway from 20' to 9' from the property line to allow a building height of 34' and to reduce the front yard setback on Government Street from 15' to 0'.

After hearing the item, a proper motion and second was made to approve the variance. The motion passed 4-1 with one member vacancy and one member recused.

PRIOR ACTION:

August 21, 2025 -- ARB Meeting
September 5, 2025 -- Timely petition for review filed

FUNDING:

N/A

FINANCIAL IMPACT:

None

LEGAL REVIEW ONLY BY CITY ATTORNEY: No

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

1. Petition for Review - Ltr Petition and Exhibits - City of Pensacola ARB
2. ARB Meeting Minutes August 21, 2025
3. 627 E. Government Street_Complete Packet_variance
4. 627 E. Government Street_supplemental information shared at meeting

PRESENTATION: No

(850) 460-1601
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314 S. Baylen Street, Suite 108, Pensacola, Florida 32502
www.meredithbushlaw.com

MEREDITH BUSH LAW

September 5, 2025

VIA E-MAIL ONLY –
EBurnett@cityofpensacola.com
City Council of the City of Pensacola
c/o Ms. Ericka Burnett, City Clerk
222 W. Main Street
Pensacola, Florida 32502

RE: Petition for Review and Request for Hearing Pursuant to § 12-12-3(13), LDC; Action by Architectural Review Board in Case Nos. 25-1051, 25-1052, and 25-1053 on August 21, 2025.

Dear Honorable Council Members and Ms. Burnett:

Please find enclosed, on behalf of my clients Crown Cove HOA, Seville Place HOA, Christopher Carroll, Ilona Stephens, and Kevin Stephens, a Petition for Review of the Architectural Review Board's approvals in Case Nos. 25-1051, 25-1052, and 25-1053 regarding 627 East Government Street.

As explained in the Petition, we respectfully request that City Council vacate the ARB's actions and grant a de novo rehearing to ensure compliance with the Land Development Code, Historic District Guidelines, and residents' right to meaningful participation.

We ask that this matter be placed on the Council's agenda for consideration. Please contact me with any questions.

Respectfully submitted,

Meredith D. Bush

Meredith D. Bush
MEREDITH BUSH LAW

Enclosures
Cc: City Attorney, Adam Cobb at ACobb@cityofpensacola.com
Applicant, Brian Spencer at Brian@smp-arch.com

CITY OF PENSACOLA
CITY COUNCIL

In RE:

CROWN COVE HOA,
SEVILLE PLACE, HOA,
CHRISTOPHER CARROLL,
ILONA STEPHENS, and
KEVIN STEPHENS,
Petitioners/ Affected Property Owners/Intervenors.,

v.

ARCHITECTURAL REVIEW BOARD
CITY OF PENSACOLA,
Respondent.

ARB FILE Nos: 25-1051, 25-1052, and 25-1053
Property Address: 627 E Government Street
Property Reference: 00-0S-00-9001-001-101

NOTICE OF APPEARANCE AND PETITION FOR REVIEW

NOTICE IS GIVEN that Meredith D. Bush of the law firm Meredith Bush Law hereby enters her appearance as counsel for Petitioners/Affected Property Owners/ Intervenors, CROWN COVE HOA, SEVILLE PLACE, HOA, CHRISTOPHER CARROLL, ILONA STEPHENS, and KEVIN STEPHENS, (hereinafter "Petitioners") and requests that the parties hereto provide them with copies of any and all pleadings, notices or orders which are filed or served in this case.

Petitioners, by and through their undersigned attorney, pursuant to § 12-12-3(13) of the Land Development Code, hereby respectfully submit this Petition for Review to City Council of action taken by the City of Pensacola Architectural

Review Board ("ARB") in Case Nos. 25-1051, 25-1052, and 25-1053 on August 21, 2025.

I. INTRODUCTION

This petition arises from the ARB's approval of three related applications concerning the property located at 627 East Government Street**,** a parcel situated within the Pensacola Historic District (HC-1) at the eastern terminus of East Government Street, immediately adjoining Crown Cove and abutting Bayfront Parkway.

The applicant, Brian Spencer through SMP Architecture on behalf of Quarter Portions LLC, sought (1) a variance to reduce front and rear yard setbacks to accommodate a three-story, thirty-four-foot multifamily structure; (2) demolition of the existing 6,966 square-foot structure built in 1981, classified as non-contributing; and (3) conceptual approval for new multifamily residential construction consisting of ten units elevated above first-floor parking.

Each of these approvals was granted despite the applications being incomplete and lacking the evidentiary foundation required by law. In addition to these substantive deficiencies, the proceedings were marred by serious procedural violations, including hearing the variance before the demolition, restricting public comment to "evidentiary" issues, denying opponents the opportunity to cross-examine, and relying on unsworn testimony in a quasi-judicial hearing. By approving the applications under these circumstances, the ARB acted arbitrarily and capriciously, failed to ensure compliance with the Pensacola Land Development Code and Historic District Guidelines, and

deprived adjacent property owners of due process and a meaningful opportunity to be heard. Review is warranted because the ARB's actions were unlawful, not supported by competent substantial evidence, and constitute reversible error.

II. STANDING

Petitioners are directly affected by the Architectural Review Board's approval of redevelopment at 627 East Government Street. Each Petitioner either owns property immediately adjacent to the subject site or represents homeowners whose residences directly front or adjoin the parcel. The proposed ten-unit, three-story multifamily project with reduced setbacks will impose adverse impacts including loss of privacy, incompatibility of scale, traffic congestion, and diminished neighborhood character.

A. *Crown Cove HOA*

The Crown Cove Owners Association, Inc. ("Crown Cove HOA") represents residents whose lots directly abut or share access with the subject parcel via East Government Street. Its members will suffer increased traffic, safety risks, and adverse effects on property value and enjoyment.

B. *Seville Place HOA*

The Seville Place Homeowners' Association, Inc. ("Seville Place HOA") represents residents directly across East Government Street from the subject

property. Its members will face overshadowing, loss of privacy, and incompatibility with the modest cottage-scale of the subdivision.

C. *Christopher Carroll*

Petitioner Christopher Carroll, owner of 612 E Government Street, holds a parcel that lies across the street from the site and in immediate proximity to the proposed development. He will be directly impacted by parking, traffic, compatibility, property values, and changes to the character of the neighborhood.

D. *Ilona Stephens*

Petitioner Ilona Stephens, owner of 607 and 617 Crown Cove, holds a parcel directly abutting the site. She will experience the most immediate harm, including overshadowing from a thirty-four-foot structure and traffic congestion at her sole point of ingress and egress.

E. *Kevin Stephens*

Petitioner Kevin Stephens, owner of 603 and 605 East Government Street, holds properties directly across from the subject parcel. He will be directly impacted by scale, traffic, and loss of compatibility with the surrounding historic neighborhood.

Florida law affords standing where property owners and associations demonstrate a substantial, particularized interest beyond that of the general

public. See *Renard v. Dade County*, 261 So.2d 832 (Fla. 1972). Petitioners meet this standard as adjoining owners and associations whose members will suffer concrete harms unique to their proximity to the subject parcel. Accordingly, Petitioners are aggrieved and adversely affected parties with full standing to seek reversal of the ARB's decision.

III. PROCEDURAL AND DUE PROCESS VIOLATIONS

Both the United States and Florida Constitution guarantees that no person shall be deprived of property without due process of law. As property owners whose interests will be directly and substantially affected by the ARB's decision on the subject applications, Petitioners are entitled to meaningful due process protections. See U.S. Const. amend. XIV; Art. I, §9, Fla. Const.

In addition to the substantive deficiencies of the applications, the record reveals multiple procedural violations that deprived Petitioners of due process in what was required to be a fair, quasi-judicial proceeding. Florida courts have consistently held that such hearings must adhere to the fundamental protections of notice, the opportunity to be heard, sworn testimony, and the right to test and challenge evidence. See *Lee County v. Sunbelt Equities, II, Ltd.*, 619 So.2d 996 (Fla. 2d DCA 1993); *Jennings v. Dade County*, 589 So.2d 1337 (Fla. 3d DCA 1991).

Quasi-judicial hearings must provide notice, an opportunity to be heard, sworn testimony, and the right to cross-examine witnesses. Procedural fairness is essential to ensure that decisions are not arbitrary or capricious. *Lee County*

v. Sunbelt Equities, II, Ltd. Partnership, 619 So. 2d 996; *Mary M. Barrett, Appellant, v. City of Gulfport, Florida, Office of Code Enforcement*, Appellee., 2013 Fla. ENV LEXIS 124, 2014 Env't Rep. Cur. Dev. (BNA) § FALR, Case No. 12-000052AP-88A.

Case law has held that a proceeding is not quasi-judicial where there "was no sworn testimony, no witnesses, no examination or cross-examination, no transcript, and no order containing findings and conclusions." *Connor v. Town of Palm Beach*, 398 So. 2d 952, 954 (Fla. 4th DCA 1981) (holding that proceeding was not quasi-judicial in nature despite the fact that the petitioner's attorney addressed the board at a public meeting on petitioner's issue and introduced a deposition and hospital records. Id. at 952-53.).

Here, the ARB disregarded those principles by proceeding in an illogical and prejudicial order, by relying on unsworn testimony and written letters without affording cross-examination, and further compounding the due process violations by refusing to allow affected parties the opportunity to also submit written statements in the form of a petition, and by improperly restricting and chilling public comment. The transcript confirms these errors, and together they render the ARB's action arbitrary, capricious, and unsupported by competent substantial evidence. See Transcript of Hearing attached as **Exhibit A**.

A. Improper Order of Proceedings

The Architectural Review Board proceeded in reverse order by hearing and voting on the variance request before the demolition application, despite the

applicant himself objecting that such sequencing was illogical. As Mr. Spencer stated: *"if a demo isn't approved … then there's no reason to talk about a variance."* (Page 6, Transcript). Staff confirmed that there was no binding procedural requirement to hear the variance first; it was simply "typically the order we've taken it." (Page 5, Transcript). This sequencing prejudiced opponents and confused the record, as the viability of a variance depended on whether demolition would be approved. Florida courts have emphasized that quasi-judicial boards must conduct proceedings in a manner that safeguards fairness and logic. By addressing the variance prematurely, the Board effectively assumed demolition approval and deprived opponents of the ability to argue the interrelated issues in a coherent order. This constitutes a procedural irregularity undermining the validity of the decision.

B. ***Unsworn Testimony and Lack of Cross Examination***

The transcript reveals that witnesses, including the applicant, were not placed under oath before testifying, and the Board did not permit any opportunity for opponents to cross-examine the applicant's claims. Instead, the Chair accepted unsworn narrative testimony and letters of support as "evidence" of compatibility and property value impacts. In *Lee County v. Sunbelt Equities, II, Ltd.*, 619 So.2d 996 (Fla. 2d DCA 1993), the court held that quasi-judicial bodies must observe the essentials of due process, **including sworn testimony and the right to cross-examine witnesses**. The failure to administer oaths here violates that standard and renders the testimony incompetent as a matter of law.

Without sworn evidence, the Board lacked a lawful evidentiary basis to support its findings, and by denying opponents the ability to test the credibility of assertions regarding hardship, compatibility, and property values, the Board deprived affected parties of fundamental fairness.

C. ***Restriction of Public Comment***

The Chair further constrained participation by instructing residents that *"the role of the public … is limited"* (Page 7, Transcript) and that testimony must be confined strictly to "evidentiary" matters tied to the variance criteria. As a result, at least one resident declined to speak, stating that he had only "commentary" and not "evidence" and therefore felt barred from meaningful participation. This restriction chilled public input and excluded concerns regarding neighborhood impacts, quality of life, and historic district character—matters that are relevant under the Land Development Code's compatibility criteria. In *Jennings v. Dade County*, 589 So.2d 1337 (Fla. 3d DCA 1991), the court held that due process in quasi-judicial hearings requires **meaningful public participation and prohibits arbitrary limitations that undermine the fairness of the proceeding**.

While it is true that quasi-judicial decisions must ultimately be based on competent, substantial evidence demonstrating whether the criteria for approval are met, the proceedings remain public meetings, and the general welfare of the community is always a legitimate consideration. Accordingly, the ARB cannot prohibit or restrict public comment, as residents have the constitutional right to

petition their government, express their views, and inform decision-makers of their concerns, needs, and perspectives. The ARB should have allowed all testimony and given the testimony the appropriate weight based on its content rather than discourage residents from speaking. The ARB's imposition of content-based restrictions on speech in this setting runs afoul of the First Amendment, which protects not only the right to speak but also the right to seek redress of grievances from government bodies.

By narrowing the scope of permissible public comment and discouraging testimony, the ARB violated this standard and deprived affected homeowners and associations of their statutory right to be heard.

Together, these procedural defects—illogical sequencing, reliance on unsworn testimony without cross-examination, and unlawful restrictions on public participation—constitute due process violations that warrant reversal of the ARB's decision.

IV. FAILURE TO APPLY QUASI-JUDICIAL STANDARDS

As outlined above, quasi-judicial proceedings, such as variance hearings before the Architectural Review Board, are governed by the fundamental principles of due process. Florida law requires that such hearings provide notice, a fair opportunity to be heard, sworn testimony, and the right to challenge and test evidence. See *Jennings v. Dade County*, 589 So.2d 1337 (Fla. 3d DCA 1991). In addition, because these proceedings involve the application of specific statutory and code-based criteria, the applicant bears the burden of

presenting competent, substantial evidence to demonstrate that each required factor is satisfied. See *Bd. of Cnty. Comm'rs of Brevard Cnty. v. Snyder*, 627 So.2d 469 (Fla. 1993). The reviewing board, in turn, **must make explicit findings of fact tied to those criteria to permit judicial review**. See *City of Apopka v. Orange Cnty.*, 299 So.2d 657 (Fla. 4th DCA 1974). Failure to follow these standards renders the proceedings legally deficient and the resulting decision subject to reversal.

A. Variance Criteria Ignored

The record shows that the Architectural Review Board failed to properly apply the statutory criteria governing variances. Board member Ramos acknowledged the obligation, stating: *"as a board, we have to go through the variance criteria, make sure that it meets each of the criteria."* (Page 17, Transcript). Yet when pressed, the applicant candidly admitted, *"I don't have the list in front of me."* (Page 17, Transcript). Instead of addressing each factor with evidence, the applicant proceeded with a narrative based on generalized assertions, such as the lot's shape and the presence of Bayfront Parkway, without providing professional surveys, hardship analyses, or alternatives studies. This is inadequate under Florida law, which requires applicants to prove each variance element with competent, substantial evidence. See *Maturo v. City of Coral Gables*, 619 So.2d 455 (Fla. 3d DCA 1993) (holding that self-created conditions do not constitute hardship). By proceeding without reference to or

analysis of the governing criteria, the applicant failed to meet his burden, and the Board erred in granting the variance on such an insufficient record.

B. Unequal Treatment of Written Statements Violated Fundamental Fairness

The Architectural Review Board compounded its procedural errors by accepting into the record unsworn written statements of support offered by the applicant, while simultaneously discrediting and refusing to give weight to a petition signed by multiple members of the community in opposition. As reflected in the transcript, the applicant was permitted to read letters from absent supporters into the record, and the Board accepted these documents as "evidence," even though they were **hearsay, unsworn, and not subject to cross-examination**. By contrast, when presented with a petition signed by neighborhood residents, the Board dismissed its probative value, questioning whether signatures were informed or valid, and ultimately refusing to accord it any weight.

This disparate treatment violated fundamental fairness. There was no evidentiary assurance that the letters introduced by the applicant were written by the individuals named or reflected their genuine, informed views—yet they were treated as competent evidence. Conversely, the Board refused to recognize a community petition that bore actual signatures of identifiable residents. In quasi-judicial proceedings, due process requires that evidence be admitted and weighed consistently, and that both sides be afforded equal opportunity to present their case. See Lee County v. Sunbelt Equities, II, Ltd., 619 So.2d 996

(Fla. 2d DCA 1993). By crediting one-sided, unsworn hearsay while discrediting community opposition expressed through a petition, the Board arbitrarily skewed the evidentiary record in favor of the applicant. This selective acceptance of evidence undermines the integrity of the proceeding and further demonstrates that the decision was not based on competent substantial evidence.

C. No Staff Findings

The record reflects that there was no evidence or testimony from City Planning staff evidencing any review or recommendation of approval, nor was there any evidence that staff conducted an analysis or found that the application satisfied the required variance criteria. Likewise, the applicant provided no testimony or evidence addressing each of the individual variance standards but instead relied solely on his own narrative and request for relief. The ARB's decision, therefore, was based entirely on the applicant's assertions rather than on competent, substantial evidence grounded in professional planning review or accepted land use practices.

D. No Findings of Fact

Compounding this deficiency, the Architectural Review Board issued no written findings of fact connecting its decision to the variance criteria. The transcript shows no motion or resolution that articulated how the applicant satisfied the required factors; rather, the vote occurred without detailed discussion or reference to the standards. Florida courts have made clear that the

absence of findings is reversible error. In *City of Apopka v. Orange Cnty.*, 299 So.2d 657 (Fla. 4th DCA 1974), the court held that quasi-judicial bodies must articulate findings of fact sufficient to permit judicial review; otherwise, their decisions are arbitrary and capricious. Similarly, in *Lee County v. Sunbelt Equities, II, Ltd.*, 619 So.2d 996 (Fla. 2d DCA 1993), the court stressed that unsworn assertions and conclusory statements cannot substitute for competent evidence tied to statutory criteria. Courts emphasize that quasi-judicial decisions must produce a record sufficient for judicial or appellate review. The absence of staff reports, findings of fact, sworn testimony, or analysis tied to criteria deprives reviewing bodies of the ability to determine whether standards were met. Here, the ARB's failure to adopt findings deprived Petitioners of the ability to understand the basis of the decision and deprive City Council of a record adequate for review. This omission alone warrants reversal.

V. SUBSTANTIVE FAILURES TO MEET VARIANCE CRITERIA

Under Florida law, a variance is an extraordinary remedy granted only when the applicant demonstrates with competent, substantial evidence that each statutory and code-based criterion is satisfied. See *Bd. of Cnty. Comm'rs of Brevard Cnty. v. Snyder*, 627 So.2d 469 (Fla. 1993). The applicant carries the burden of proof, and failure to meet even one element requires denial. The transcript of the August 21, 2025 hearing reflects that Board members were aware of this duty, yet proceeded with unsupported narrative testimony rather

than competent evidence tied to each factor. This omission, compounded by the Board's failure to make written findings, renders the variance approval unlawful.

§ 12-11-2(a)(2) of the Land Development Code establishes the criteria which must be met for approval of a variance which must not be "contrary to the public interest" and when a literal enforcement of the provisions of the Code would result in "unnecessary and undue hardship." Pursuant to this section, the ARB must make specific findings on each of the following criteria:

1. That 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;

2. That the special condition and circumstances do not result from the actions of the applicant;

3. That 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;

4. That 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 cause unnecessary and undue hardship on the applicant;

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

6. That 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;

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.

A. Hardship Not Established

Here, the applicant argued that the triangular configuration of the lot and the presence of Bayfront Parkway setbacks created a hardship justifying relief. He also pointed to existing non-conforming structures as precedent for granting similar treatment. However, Florida courts have held that hardship cannot be established by self-created or foreseeable conditions. In *Maturo v. City of Coral Gables*, 619 So.2d 455 (Fla. 3d DCA 1993), the court rejected a claim of hardship where the owner purchased a constrained parcel knowing its limitations. It found that variances could only be granted for unique hardships, distinct from those of adjoining property owners in the same zoning district, and which arose from circumstances peculiar to the realty alone and **unrelated to the conduct or to the self-originated expectations of any of its owners or buyers**. Courts have held that a legal hardship will be found to exist **only** in those cases where the property is **virtually unusable or incapable of yielding a reasonable return** when used pursuant to the applicable zoning regulations.

Here, the applicant is seeking to develop the property under contract with full knowledge of its shape, zoning, and setback requirements. The transcript shows no professional evidence—such as a planning or engineering report—substantiating that the lot's configuration rendered compliance impossible. Instead, the applicant relied on generalized statements and his preferred design. This does not satisfy the hardship standard under Florida law.

B. Minimum Variance Not Demonstrated

Further, the applicant sought to reduce the rear setback from 20 feet to 9 feet and the front setback from 15 feet to zero at upper levels. Yet no evidence was presented to show that these reductions represented the "minimum variance necessary" to afford relief. See LDC §12-11-2(a)(2)(5). The transcript contains no testimony addressing why alternative designs—such as reducing the unit count, adjusting building mass, stepping back upper floors, or redesigning the footprint—were infeasible. Instead, the applicant pressed forward with a preferred design without analysis of less intrusive options. The application itself notes that there is an existing buildable footprint of 3,485 square feet. Application attached as **Exhibit B**.

Florida courts have held that variances cannot be granted for convenience or preference; the applicant must prove that lesser adjustments are inadequate. The absence of such evidence here, and the applicant's own evidence that there is a buildable footprint of 3,485 square feet, demonstrate that the minimum variance standard was not met.

C. *Incompatibility with District*

The applicant also failed to establish compatibility with the Historic District, particularly the Wood Cottages subdistrict where small-scale detached residential development sets the prevailing character. See LDC §12-3-10. When confronted with significant neighborhood opposition, the applicant conceded: *"Obviously, the group … feels very differently."* (Page 20, Transcript). The

transcript reflects that numerous residents spoke against the project, citing its excessive scale, massing, and inconsistency with historic character. No professional evidence—such as an architectural compatibility study or district analysis—was introduced to rebut these concerns. There was no testimony from staff addressing the compatibility with the district. In fact, there was no presentation by staff related to findings on any of the enumerated criteria or on any of the applications. Instead, the applicant relied on subjective assurances and a handful of letters of support. This does not constitute competent, substantial evidence of compatibility. Florida law requires that new development harmonize with surrounding uses; where opposition is supported by credible, site-specific testimony and no contrary expert evidence is offered, the applicant's burden is not met.

D. Insufficient Evidence on Public Welfare

Finally, the applicant failed to demonstrate that the proposed variances would not be detrimental to public welfare. The only evidence offered on property values was a single letter constituting unsworn, hearsay and not subject to cross-examination from a real estate broker claiming that the project would raise neighborhood values. Against this, multiple residents testified under oath about the likely adverse impacts on property values, traffic congestion, safety, and quality of life. The transcript shows that the ARB did not weigh this conflicting testimony or require additional evidence from the applicant. Florida courts have held that conclusory statements or isolated letters of support do not

rise to the level of competent, substantial evidence. See *City of Apopka v. Orange Cnty.*, 299 So.2d 657 (Fla. 4th DCA 1974). By relying on such scant evidence while disregarding substantial neighborhood testimony, the ARB erred in concluding that the public welfare criterion was satisfied. Again, there was no testimony or any evidence presented in the record establishing this criterion was met.

Together, these deficiencies—failure to establish hardship, failure to prove the minimum variance necessary, failure to demonstrate compatibility with the district, and failure to show no detriment to public welfare—demonstrate that the variance application did not meet the legal standards required by the Land Development Code and Florida law.

VI. DEMOLITION AND CONCEPTUAL APPROVALS ARE TAINTED

The demolition and conceptual approvals granted by the ARB cannot be sustained because they are inseparably tied to the variance proceeding, which itself failed to comply with Florida law and the City's Land Development Code. The variance was heard and decided first—over the applicant's own objection that such sequencing was illogical—and that premature ruling became the predicate for all that followed. Without a valid variance, the proposed site plan and massing on which both the demolition and conceptual approvals rested collapse entirely.

In addition, the demolition and conceptual hearings were conducted on the same defective record: unsworn testimony, denial of cross-examination,

restrictions on public comment, and unequal treatment of evidence. Because the demolition and conceptual approvals depended on the Board's acceptance of the very same unsupported narrative and hearsay offered in the variance case, they are fundamentally tainted.

Where one approval rests upon an unlawful foundation, subsequent related approvals are likewise invalid. Here, because the variance proceeding violated both due process and statutory criteria, the later demolition and conceptual approvals must also fail. In the interests of justice, all three approvals must be vacated and reheard *de novo* under proper quasi-judicial and legislative procedures.

VII. CONCLUSION

The Architectural Review Board's decision approving variances, demolition, and conceptual review for 627 East Government Street cannot stand. The record demonstrates pervasive procedural violations—including reliance on unsworn testimony, denial of cross-examination, improper sequencing of applications, and arbitrary restriction of public comment—that deprived Petitioners of fundamental due process. The ARB further undermined fairness by accepting unsworn hearsay letters from the applicant while refusing to accord weight to a petition signed by actual residents, skewing the record in favor of the applicant.

On the merits, the applicant failed to satisfy the controlling variance criteria: hardship was not established under *Maturo v. City of Coral Gables*; no evidence showed that the requested setbacks were the minimum necessary; compatibility with the Historic District was not proven; and the only evidence on public welfare was a single broker's letter, constituting hearsay and unable to be subjected to cross-examination, plainly insufficient to constitute the competent and substantial evidence required by law. Compounding these deficiencies, neither Staff nor the Board issued findings of fact tied to the statutory criteria, contrary to *City of Apopka v. Orange County*, thereby leaving this Council and the courts without a lawful basis to review its determinations.

Further, the ARB failed to create an adequate record for review, as there was no presentation or testimony of any staff analysis, planning reports, or written findings necessary to support judicial scrutiny. The decision is also inconsistent with the Comprehensive Plan and Historic District Guidelines, which require new development to preserve and enhance neighborhood character—an obligation ignored here in favor of approving a three-story multifamily structure without compatibility studies or staff evaluation. By deferring to the applicant's narrative rather than requiring competent professional evidence, and by selectively crediting unsworn letters of support while dismissing a petition of opposition and discouraging testimony, the ARB compounded its violation of fundamental fairness and equal protection.

The Board also misapplied the burden of proof, granting extraordinary relief where the applicant failed to demonstrate that even a single variance criterion was satisfied. Florida law makes clear that without competent, substantial evidence of each required factor, a variance must be denied. To grant one here, and the subsequent demolition and conceptual approvals, not only erodes the integrity of the City's land-use process, but also sets a dangerous precedent for granting special privileges.

In short, the ARB's decision was arbitrary, capricious, unsupported by competent substantial evidence, and inconsistent with the City's planning framework. Petitioners respectfully urge the City Council to vacate each decision in its entirety and require the applicant to proceed *de novo* under proper quasi-judicial and legislative procedures that honor due process, apply the variance criteria faithfully, comport with the LDC and Comprehensive Plan, and afford all affected residents a fair and meaningful opportunity to be heard.

VIII. RELIEF REQUESTED

WHEREFORE, Petitioners, by and through undersigned counsel, move this Council to:

1. Vacate and reverse the ARB's approval of the variance, demolition, and conceptual review; and
2. Grant a rehearing *de novo* on all applications related to 627 East Government Street; and

3. Direct that any future hearings on the variance strictly comply with the requirements of quasi-judicial due process, including but not limited to:
    a. the swearing of all witnesses under oath,
    b. the opportunity for cross-examination of testimony,
    c. equal treatment of evidence offered by all parties, and
    d. the issuance of detailed written findings expressly tied to the governing criteria of the Land Development Code.

Only through such corrective action can this Council restore integrity to the process, protect the rights of affected residents, and ensure that the historic character of the Pensacola Historic District is preserved in accordance with law.

Respectfully submitted,

s/Meredith D. Bush
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Counsel for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by electronic mail via to the Clerk of City Council and to the Office of the City Attorney and to the Applicant, Brian Spencer, on this 5th day of September, 2025.

/s/Meredith D. Bush
MEREDITH D. BUSH

EXHIBIT A

AUDIO RECORDING

CITY OF PENSACOLA

ARCHITECTURAL REVIEW BOARD MEETING

THURSDAY, AUGUST 21, 2025

TRANSCRIBED BY: MELISSA EICKEN

ERICK MEAD: All right. Madam secretary, what do we have next on the agenda?

ADRIANNE WALKER: Thank you, Mr. Chair. The next item is 627 East Government Street. This is Pensacola Historic District, Zone HC-1, City Council District 6. This is for a variance. Brian Spencer seeking approval to reduce the rear yard setback on Bayfront Parkway from 20 feet to 9 feet from the property line to allow a building height of 34 feet and to reduce the front yard setback on Government Street from 15 feet to 0 feet at the street edge.

The next agenda item is demolition of the noncontributing structure followed by conceptual review of the proposed new development. Mr. Brantley has recused himself again and will for the next few items.

It's up to you how you want to handle any speaker requests. You do have the variance criteria in front of you, if you want to reference that. And we have our applicant, Mr. Spencer, here, and with that, I will turn it over to you, Mr. Chair.

ERICK MEAD: Looking through the speaker requests, we have -- it looks like all of them wish to speak to the -- the variance. Some wish to speak to all three. So I think we probably will have plenty of

speakers here on all these points. I think with that understood, I think we're going to address the time limitations, because we have a number of people here, and we want to make sure everybody gets heard. So I think we're going to have on those items 3 minutes per speaker. So the secretary will keep track of that for me, if you will.

I understand we have the variance criteria. I did have one question prefatory to going into the variance issue, and that is as to the allowed uses for this parcel. I understand this is, at least from the other thing, the conceptual proposal is some manner of multi -- multi-family residence. What are the actual permitted uses on this parcel? Can you summarize those?

ADRIANNE WALKER: Multi-family is allowed in this zoning district. And typically use is not necessarily under the ARB jurisdiction.

ERICK MEAD: No. I just want to know what -- what the -- what the alternatives for development are because it goes into some of the hardship criteria and in comparison with some of the other issues about impact on the neighbor.

ADRIANNE WALKER: So give me a moment. It's zoned HC-1 which is the historic commercial

district. So from a cumulative standpoint, it allows anything in the HR-2 district which also allows anything in HR-1. So it's pretty much well open for Pensacola Historic District. But in terms of residential use, you can have single family, you can have duplex, but also multi-family, like what is being proposed, and then a variety of commercial uses.

ERICK MEAD: And the existing use is commercial.

ADRIANNE WALKER: Correct.

ERICK MEAD: All right. Thank you very much. Do we have the applicant here to speak to the -- to the application? Yes. Please.

BRIAN SPENCER: Thank you. Thank you, Mr. Chair.

ERICK MEAD: Can you state your name for the record and tell us --

BRIAN SPENCER: Yes, I will.

ERICK MEAD: Tell us about the proposal.

BRIAN SPENCER: My name is David, and that's Goliath. My name is Brian Spencer. And I reside at 4040 Dunwoody in Pensacola. I have my architecture offices, the firm SMP Architecture, located at 205 East Intendencia in the Seville Historic District. And Mr. Chair and members, may I

ask -- I really -- procedurally, I just want to make sure I take the proper steps for -- admittedly, I thought the first one was going to warm us with a -- warm me up as well with the demolition request for a noncontributing structure. I didn't know I was going to go straight into the -- to the variance matter. So I'm kind of warming up.

ERICK MEAD: Well, the -- what I have on the agenda has got the variance listed first, and then the demolition, and then the conceptual review. I -- I don't know if there's a particular order from the staff perspective that needs to be taken up. And these are all the same application -- same applicant; correct?

ADRIANNE WALKER: That is correct, and I would have to defer to Greg. I don't know if procedurally it has to be in a certain order.

GREG: No. I mean --

ADRIANNE WALKER: Just the order it happened and --

GREG: This -- this is typically the order we've taken it, but there's nothing that says you can't --

BRIAN SPENCER: All right.

GREG: -- move things around.

BRIAN SPENCER: Because my feeling is, if a demo isn't approved or -- then there's no reason to talk about a variance.

ERICK MEAD: Well, seeing that we have a variance here, and everybody wants to speak to the variance, and some people don't want to speak to the other items --

BRIAN SPENCER: Got it.

ERICK MEAD: -- let's go with the variance first. And that way we'll -- we'll save time, hopefully.

BRIAN SPENCER: Then, Mr. Chair, as I understand, I have those that couldn't attend. Ms. Walker shared with me a procedural matter that I -- I must follow in terms of me being able to speak as other representatives and on behalf of the variance.

ERICK MEAD: Can you enlighten me a little bit on what you're talking about?

BRIAN SPENCER: I'll let -- I'll let Adrianne talk.

ADRIANNE WALKER: Mr. Spencer has people who support his project who weren't able to attend. So in that case, a representative is allowed to share by providing their 3-minute commentary. We've allowed

that before where somebody's maybe e-mailed a statement to someone, and they came on their behalf.

ERICK MEAD: Yeah. That's --

ADRIANNE WALKER: There's nothing that says Mr. Spencer can't --

ERICK MEAD: No.

ADRIANNE WALKER: -- share that information.

ERICK MEAD: That's perfectly appropriate. But we'll hold that for the public comment period after we're done with your presentation and the board's discussion. And then we'll -- we'll see --

BRIAN SPENCER: Right.

ERICK MEAD: The other question has to do with the variance is a quasi judicial process which means that we -- we sit in a different capacity than we do in a number of other settings. We have to hear evidence to support the -- the factors set forth in the ordinance and to make a determination on that basis. The role of the public in that regard is limited. Only in terms of presenting relevant evidence to those proceedings. The comments beyond things that would be evidentiary in nature about the factors of the variance, and if anybody has a question about that, I'm sure we have extra copies of what

those are, that they would like to offer evidence on.

So just for reference, and those who are anticipating speaking about the variance process, it's going to have to be limited to those factors that you can provide evidence on as to the application. Otherwise, we step beyond our role. This is not a -- it's not a popularity contest variance, it's a quasi judicial proceeding.

And, so with that understanding, I -- the same caution would go to the applicant with regard to those comments. They would have to be evidentiary and character speaking, specifically to elements of the variance. Certainly, other comments can be received in passing, but the focus needs to be on the evidentiary character of the submission, so. With that, if you would, please.

BRIAN SPENCER: Thank you. Thank you, Mr. Chair. As a former member of the ARB, I recognize the responsibility that all of you have today as you listen to the applicant as well as those that may have other points of view regarding the support or not support of this variance request. I will -- I would like to emphasize, if you have not been there to the site, if you have not visited it, sometimes you have the opportunity to do so. This is what I would

consider objectively to be a very unique-shaped site with the triangle -- triangle configuration that has been affected decades ago by Bayfront Parkway.

Most importantly, I would never come before you today as I am seeking this continuation or the variance request if there had not been an existing building that has been here for decades. Mr. Prince Derek can offer, perhaps, some -- shed some light on how long that building, which -- if you refer to what is on the screen right now, you can see the -- the grey overlay is the existing building which currently has in LDC or I should say code parlance existing noncomplying conditions. And that is very important in the context of this variance request in that I am proposing a building to replace this that extends 13 -- approximately 13 more feet to the east within this same building set -- front building setback variance request.

The two elements on the left and the west and the east are stepped back and do not fall within the setback requirement for this property. So I'm seeking the continuation somewhat of a wall, if -- if you all have seen it, but. I know later on, Adrianne and staff, they will see photographs of that East Government Street facade, and I certainly invite you

to take a look at that in the context of this request. But number one, both the rear yard setback, building setback, and the front yard setback are currently in violation with the existing building. I think that's just so important in the context of this and recognizing again -- anyway, I will continue.

Also, there are -- there's a condition where the buildings that are to the west of this have a greater -- they are in closer proximity to Bayfront Parkway than the building that is being proposed, so. The grey is showing, again, the existing, and the other one -- overlay -- is the one we are proposing. I think that staff has done an excellent job. I don't know if other members of the audience can -- can read it very clearly, but the -- the gold delineation, very small on the dimension, Ms. Walker asked me to make sure we showed that dimension so that you could see, again, the existing building is how far from the brick wall, Adrianne.

ADRIANNE WALKER: It's 11 feet.

BRIAN SPENCER: 11 feet. Right. And the other one on that same southeast corner, the proposal is approximately 11 feet as well. It follows that. So we are not asking for you to approve the building on the southeast corner, which I consider to be kind

of the gateway. The -- the front of the building that you see approaching from the bridge. There are other buildings along east Government that have this condition, approximately four, that abut the sidewalk. Our proposed building actually steps back on the ground floor. This is -- I -- the -- some people I know are here opposing this project as well as some people that represent the Seville Neighborhood Association provided, I think, some very valid points and concerns. They are -- and I have reacted to those items by providing, for instance, today, showing more clearly that garage door openings are 8 feet from the street edge. The building itself at the ground level is 4 feet from the sidewalk edge providing for -- and that is further back than the existing building. And the existing building. We are showing -- and Mr. Chair, I don't know if this is drafting away from the variance, but these were --

ERICK MEAD: So far I'm tracking with --

BRIAN SPENCER: Okay.

ERICK MEAD: What you're saying.

BRIAN SPENCER: Thank you. Thank you. So there were comments and concerns that landscaping had been removed. This proposed project provides 3,230 square feet of landscaping, whereas, the

existing building and parking has 2,750. So this provides more landscaping providing more -- and that's not counting what the Seville property owners association had commented their concern about the amount of paving, and what I just stated does not include the additional grasscrete -- that sort of grass concrete paving area of 1,650. Yes.

UNIDENTIFIED FEMALE: I don't mean to be ignorant of this, but what is grasscrete.

BRIAN SPENCER: It is -- I'm trying to think where maybe where you've seen it. It's a combination of -- it's like checkered -- it's concrete and -- and grass grows in between --

UNIDENTIFIED FEMALE: Oh, okay.

BRIAN SPENCER: -- it.

UNIDENTIFIED FEMALE: Okay.

ERICK MEAD: The --

UNIDENTIFIED FEMALE: Permeable.

BRIAN SPENCER: Yes.

ERICK MEAD: So the -- the landing elements, though, I think are those really fitting into your variance issues or no?

BRIAN SPENCER: No. That's why I --

ERICK MEAD: Okay. Yeah. Yeah. That's fine. I don't -- I think the landscaping right now --

BRIAN SPENCER: But I do want to show that the request for variance does not -- Mr. Chair, minimize or in fact, take us to a point where we can't do abundant landscaping, and in fact, meet LDC's side yard landscaping area which ironically if you'd please just go back to that, which if this building remains commercial and say if it becomes another use, that landscape area on the west side is not required for an adjacent commercial use, but it is for multi-family.

ERICK MEAD: All right. That -- that's relevant.

BRIAN SPENCER: Okay. We are not seeking any height variances. The building next to this -- to the west is -- is taller than this proposed building. And most importantly, again, for you -- for the members that don't know this, this is at the very end of east Government where it basically -- well, it literally dead ends into FDOT arteries. South 9th Avenue used for port traffic, and Bayfront Parkway which is also an FDOT right-of-way. I do -- I think -- Adrianne, if -- if you -- I do think it's pertinent to the variances, please, if it's easy to pull up the recently added garage relationship on Baylen lofts, and those of -- okay. Okay. Next.

ERICK MEAD: Just for clarity.

BRIAN SPENCER: Okay.

ERICK MEAD: This is a different structure.

BRIAN SPENCER: Right.

ERICK MEAD: So what is the purpose --

BRIAN SPENCER: The purpose of this, Mr. Mead, is to show, again, relationship of frontality of building to adjacent -- immediately adjacent sidewalk and distances.

ERICK MEAD: Okay.

BRIAN SPENCER: And this was -- this was a project previously reviewed and approved by the architectural review board.

ERICK MEAD: All right. Thank you. What else?

BRIAN SPENCER: I think that's it. I'm going to take a sip of water. I -- by the way, this project I'm not presenting on behalf of Mr. Kerrigan or owners of that. I have this building under contract. I'm not representing the current ownership for their intention to do this if I -- I have a 30-year history as an architect and developer in Pensacola. I'm proud to say I've tried and done my best to do nothing but lead positive impact, particularly the downtown area and historic area. My most recent project that won an AIA award is the train

canopy over the UWF train cars at Zarragossa. I was -- although, I've seen a petition describing perhaps a different Brian Spencer that I don't know, I've intentionally and very deliberately tried to be as sensitive as I can be to the what is the next to a building that is quite different than what would be called the Seville Wood Cottage District because it's in an SSD site specific development. But this site is sort of the -- I hope -- I don't mean to say Bermuda Triangle, but the Seville triangle, and it is the -- the very, very end --

ERICK MEAD: All right.

BRIAN SPENCER: -- and, you know, I've fought for years when I was on city council to reopen it, to make it a friendly pedestrian connection, found out that's not a popular idea.

ERICK MEAD: Okay. With that, I have a question for staff on that last point, if I may. So the -- for instance, in the -- in the photo that we see here, the buildings behind the proposed structure are in the SSD for Crown Cove? Is that right?

ADRIANNE WALKER: That's correct. Crown Cove is to the --

ERICK MEAD: Technically, it's its own zoning district.

BRIAN SPENCER: To the west.

ADRIANNE WALKER: That's correct. So Crown Cove has its own setbacks.

ERICK MEAD: And, so to I -- to be clear, in respect of the overall zoning adjoining this, it is sort of an in an island on its own; is that right?

ADRIANNE WALKER: We'll double check that really quickly. I can show you all the zoning.

ERICK MEAD: At least on that street frontage. I mean, that's what we're talking about.

ADRIANNE WALKER: So you see the aerial that's still showing up.

ERICK MEAD: Right.

ADRIANNE WALKER: That's Crown Cove which is a site specific development that's platted with different setbacks.

ERICK MEAD: Right.

ADRIANNE WALKER: So it is directly adjacent, and then everything else you see in purple, though, is the -- HC-1.

ERICK MEAD: But it's cut off by the SSD from the balance of the district on that street frontage; is that right?

ADRIANNE WALKER: Can you repeat that?

ERICK MEAD: I said, the project parcel is

cut off by the SSD from the balance of the historic district on that street frontage.

ADRIANNE WALKER: That wouldn't really be my place to make that.

ERICK MEAD: No. I'm suggesting it intervenes. I mean, there's -- yeah. There's no -- there's no adjoining property that's within the district.

BRIAN SPENCER: Correct.

ADRIANNE WALKER: Correct.

ERICK MEAD: Okay. Thank you. Board members, questions for the applicant?

YURI RAMOS: I guess, I have one question, Mr. Chair, if I may.

ERICK MEAD: Certainly.

YURI RAMOS: Mr. Spencer, I -- I don't think you went -- you know, as a board, we have to go through the variance criteria, make sure that it meets each of the criteria. I know that you've submitted it. I didn't know if you wanted to go through them. I can certainly just read on my own, but I wasn't sure that you -- if you wanted to hit them.

BRIAN SPENCER: I don't have the list in front of me.

YURI RAMOS: Okay.

BRIAN SPENCER: Thank you. I can -- I can try as a narrative. Going point by point, if you would like.

YURI RAMOS: It's -- it's your application, so it would be up to you.

BRIAN SPENCER: Okay.

YURI RAMOS: You know, I just feel like when there's contention --

BRIAN SPENCER: Sure.

YURI RAMOS: -- I try to stay programatic so we can hit the bullet points of the -- the items, you know, the reasons why a variance should be approved by this board, and you know -- and your explanation on those, I feel like that would help --

BRIAN SPENCER: Absolutely.

YURI RAMOS: -- everyone in the room.

BRIAN SPENCER: Yes. Thank you. Number one, the special conditions and circumstances exist are peculiar to the land structure to the land, comma, structure or building involved which are not applicable to other lands, structures or buildings in the same zoning district. I think what's important there is, it's not and -- and it's or, and I would contend that this, absolutely, has special conditions, given the -- the peculiarity of the land shape as well

as the -- in terms of what Mr. Mead just mentioned as it abuts a completely different zoning district with different setbacks and does not have a contiguous zoning continuation of the Seville Historic District that moves on to the east.

It is a -- so I believe very much that land -- that number one is met, that the special condition and circumstances are not the result or the actions of the applicant. Absolutely. I have not carved up the land. I have not changed the configuration of it. I did not invite or invent some of those peculiarities. Granting the variance request will not confer on the applicant any special privilege that is denied by this title to other land, buildings or structures in the same zoning district. I believe that because that building, in fact, does have and will remain in its current condition with the non -- again, the legal term or -- is existing noncompliant.

ADRIANNE WALKER: Existing, nonconforming.

BRIAN SPENCER: Nonconforming. That's right. I'm turning it more into a behavioral term. Nonconforming conditions that I am not then bringing that to this project. Therefore, getting an additional privilege. The literal interpretation of this title would deprive the applicant of the rights

commonly enjoyed by other properties in the same zoning district under the terms of the title and would work unnecessary and undue hardship on the applicant. I believe that in order to do the -- a project that in this scale still meets the intent of the Seville Historic Wood Cottage District providing for the amount of open space that I am not -- that -- again, that is providing me not any special -- special privileges. Variance granted is the minimum variance that will make possible the reasonable use of the land building or structure. If I was seeking a height variance, I believe that that would violate number five, but otherwise, I believe that the minimum variances will provide -- that I am seeking will provide reasonable use of the land. The granted variance will be in harmony with general intent and purpose, will not be injurious to the area involved or otherwise detrimental to the public welfare. Obviously, the group that's sitting behind me to the left feels very differently about that. I do not in any way feel that the view corridors that I have not impending on any public access, and in fact, I would argue that I am providing something that is more enjoyable in terms of visually and not providing or imposing, I should say, something that is

non-harmonious to the Seville Historic District, that the variance will not constitute any change in the district zone and the zoning map will not impair an adequate supply of light and air to adjacent property. I -- I dare to say that this is injurious in terms of reducing the amount of air or light. If you look at the Crown Cove properties, the latest house that was built, I think they have about 6 feet of separation between those houses, whereas, this provides, again, ample -- ample supply of light and air to adjacent property. The only adjacent property is the one to the west, the newer white stucco under construction. Will not increase the congestion of public streets. In fact, while this district has zero off street requirements, for instance, many other uses could go there that would have a higher traffic and impact. This is providing parking on the site while -- and the spaces that are on street, I have met with city staff when we have a drawing that shows that those two spaces, the 62 feet indicated on the upper right, those shift slightly to the east, and we -- there is zero reduction, and instead, additional parking on the site.

The current use is an office, and although, now those attorneys have retired, most of them,

there's no reason that something else, another office building could -- could be built there with a much higher traffic count. I do not believe this is increasing in any way the danger of fire. It will not diminish or impair established property values, and I have a letter from a respected real estate broker who contests what was stated in the petition that this project will diminish neighboring property values. I will enter that to the record at the proper time.

ERICK MEAD: This will be the appropriate time.

BRIAN SPENCER: Would this be the appropriate time?

ERICK MEAD: Sure.

BRIAN SPENCER: Thank you. Since I'm addressing -- all right. All right. This is one of the letters of support. Ms. DeeDee Davis could not be here. To the chair and members of the architectural review board, I am DeeDee Davis, broker/owner of NAI Pensacola located at 24 West Chase Street. I've worked in the Pensacola real estate market for many years including downtown and within the Seville Historic District. I have reviewed the petition, circulated in opposition to the project at 627 East Government. I feel it is important to correct a false

impression that this project would somehow diminish surrounding property values. Specifically, I support the applicant's request for the stipulated building setback variances, the demolition of the existing noncontributing structure, and the conceptual design approval of the proposed new building.

In my professional judgment, replacing a noncontributing structure with a new architecturally compatible building will enhance the overall desire ability and value of nearby properties. Well-designed infill of this kind is proven to strengthen historic neighborhoods by raising standards of design and contributing to a sense of stability. Concerns about declining property values are unfounded. The market consistently rewards high quality architecture. Thank you, DeeDee.

Sensitive redevelopment and investments that improve the streetscape, all of which this project provides. As a broker who understands both the historic district and the broader Pensacola market, I can state with confidence that this project will positively impact neighboring values, not harm them.

ERICK MEAD: Thank you. Are there any other points in the list that you wanted to go over?

BRIAN SPENCER: No, sir.

ERICK MEAD: Are there any other comments, because this is one of the things I'm going to be careful with regard to all of the public comments as well, but in the comments that you were given to -- to render, are there any else like that one are speaking to an evidentiary point on an item of the variance that was speaking specifically to an impact on property values? Obviously, are there others that are of that character that speak to a factor or element in the variance criteria that we should hear?

BRIAN SPENCER: They all seem to have -- Mr. Chair, a -- a theme of the -- the general, the -- their approval, enthusiastic approval, of how the building architecturally fits in. So that would be the -- you know, the granting of the variance would be in harmony with the general intent and purpose. I mean, there -- I have 10 of them. And I do plan -- these people took the time to write the letters, so I will be reading them.

ERICK MEAD: I will -- I can -- I think we can receive those for the record, understanding their general character. I was wondering if there was anything more specific such as the one from the broker on some other point other than the general, harmonious

nature of the architectural impact.

BRIAN SPENCER: One -- one says here, the project, it elevates the historic district by introducing architecture. It is compatible, thoughtful, enduring. All of them specifically state -- I wanted to make sure they knew they would be entered into the record. I would be reading them. Every one of them specifically states, as they reviewed the packages, their approval of the variance request. That is in the body of every letter.

ERICK MEAD: And I -- I appreciate that. I certainly think we should receive them into the record for purposes of that characterization. Unless there's some objection from the board, I would ask that we receive them into the record for purposes of documenting what you've said. In the interest of time and not avoiding any -- a needless duplication of those points, although, obviously, that goes to some weight, I would ask that we proceed in that manner. Is there any objection to that?

BRIAN SPENCER: No. But I would -- I mean, the brief -- I definitely -- these are hardworking professionals. People are out of town. I'm not saying these are not hardworking professionals. There are some people here, but they wrote the letter with

the full expectation that their voices would be heard.

ERICK MEAD: That's fine. Madam secretary, is there a -- is there a precedence to which approach we should take?

ADRIANNE WALKER: I don't believe there is. I might defer to Kia, if you have an opinion on it. I -- I encouraged Mr. Spencer if he was going to be the representative for people that bring it and be ready to share it, but also have the copies --

ERICK MEAD: Right.

ADRIANNE WALKER: -- if we want to distribute them to you, and I need them, too, for the minutes.

ERICK MEAD: Right.

BRIAN SPENCER: Right. I -- I was told definitely I have them all signed, and that I would have a chance within the time allotment given to each person to read the letter.

ERICK MEAD: Well, I have no objection to reading the letter. I just -- in the interest of time, I wanted to make sure that we're not going to -- given the number of people who are going to --

BRIAN SPENCER: Yeah.

ERICK MEAD: -- potentially be presenting evidence, but please go ahead and present however you

would like to present it.

ADRIANNE WALKER: And if I may, I'm going to keep time. He's -- he -- the chair stated that everybody will get 3 minutes. I apologize, I didn't get that on the first letter, which I think it was within 3 minutes, but I'll keep time --

BRIAN SPENCER: I was trying --

ADRIANNE WALKER: -- for these as well.

BRIAN SPENCER: Okay. This --

ERICK MEAD: And in fairness, that was an answer to my question about it, so.

CHRIS CARROL: (Inaudible).

ERICK MEAD: There are --

BRIAN SPENCER: There are some --

ERICK MEAD: There's a request -- just for the record, there's a request from -- what is your name, sir?

CHRIS CARROL: Chris Carrol.

ERICK MEAD: Mr. Carrol has asked that there -- some indication of residence be given in respect to those supporting documents. The documents are going to speak for themselves. They're going to be received into the record. I'm going to let Mr. -- Mr. Spencer speak to --

CHRIS CARROL: Because I feel like -- we

all feel like (inaudible).

ERICK MEAD: Ma'am -- sir, you're going to have the opportunity to speak to whatever you wish to speak to when we get to that point, if it's relevant to the variance criteria. I think your point is well taken. The -- the documents are going to identify who they are and where -- where they're from, if they show them. Mr. Spencer.

BRIAN SPENCER: Yes. And -- and I would like to address the -- the gentleman --

ERICK MEAD: Please.

BRIAN SPENCER: -- through you. Yeah. I -- I understand completely. There was just one that was a real estate professional that -- the rest remain -- are I think in the neighborhood --

ERICK MEAD: All right.

BRIAN SPENCER: -- and their evidence will be evident.

ERICK MEAD: All right. Carry on.

BRIAN SPENCER: All right. Thank you. To the chair and members of the architectural review board, my name is Rafael Simpson, and I live at 435 East Zarragossa, just a short walk from the project site at 627 East Government. In addition to being a neighbor, I'm an owner of two Pensacola businesses,

Harry Roy, a downtown establishment at South Palafox and Haus of Hue furnishings and design store at 9th Avenue. I support this project because it removes a building that has no historic or architectural value and replaces it with design that respects the scale and rhythm of the Seville Historic District. The new building will enhance the streetscape of East Government Street and contribute positively to the neighborhood that I -- the neighborhood that I both live in and care about deeply.

Specifically, I support the applicant's request for the stipulated building setback variances, the demolition of the structure, and the conceptual design that's being presented for the proposed new building. As a businessowner, I understand the importance of maintaining high standards of design in our community and the district. This project does exactly that. It elevates the historic district by introducing architecture that is compatible, thoughtful, and enduring. I -- I respectfully encourage the board to approve this application. I'm trying to read as fast as I can.

ERICK MEAD: Mr. Spencer, one moment. I -- do we have an extra copy or copies of the variance criteria?

ADRIANNE WALKER: Yes.

ERICK MEAD: I would ask staff while we are listening to your submissions, on those points and on the variance criteria you've identified, that we circulate the variance criteria among those who have entered a -- a request to speak, so that we understand that when I call you for your particular presentation, that you will be able to identify the item or items on the variance list to which you believe your -- your testimony will be relevant. And that you identify that when you get -- get up to speak and when you are called. So I'll ask that, that be circulated among the audience so you can be familiarized with it while Mr. Spencer is continuing his presentation on these points, so.

BRIAN SPENCER: I'm reading as fast as I can.

ERICK MEAD: That's fine. Please, Mr. Spencer, continue.

BRIAN SPENCER: All right. Thank you. To the -- okay. To the chair, members of the architectural review board -- Andrea {sic}, you timing me? All right. I am -- I am Kim Simpson, a property owner residing at 434 East Zarragossa in close proximity to the property, 627. As neighbors, we all

want what is best for Seville. This project proposes to demolish a building that has long been out of place and replace it with one that is designed to fit more naturally into the surroundings. The proposed design is more in keeping with the scale, character, and materials found throughout the district.

I want to clarify something important. I originally signed a petition opposing this project, but that was because I was asked to sign without being shown any images or illustrations and felt pressured to add my name. Once I had the opportunity to see the actual plans and understand what's being proposed, I reconsidered my condition. I have since formally requested my name be removed from the petition and asked if I could instead submit this letter of support. Specifically, I support the applicant's request for the stipulated building setback variances, the demolition of the existing noncontributing structure, and the conceptual design approval of the proposed new building. The requested setback variances do not introduce new conditions. They reflect a long-standing pattern on this site. Approval of this application means replacing a structure that distracts from the neighborhood and one that is much more appropriate and lasting. For these

reasons, I respectfully encourage you to grant approval for the respected variance. I mean, excuse me, requested.

To the chair, members, and members as residents and properties owners -- owners of two nearby residential properties, 181 South 9th Avenue, and 536 East Government, Unit 3, both of which are within walking distance of the proposed project, we wish to express our strong support. This proposal would replace a structure that has no architectural or cultural significance within a -- with a building that has been designed with care and sensitivity to the surrounding historic district. The proposed scale proportions and materials are consistent with the neighborhood and will contribute positively to the overall appearance of East Government Street. Specifically, we support the applicant's request for the stipulated building setback variances, the demolition of the existing noncontributing structure, and the conceptual design approval of the proposed new building. Approving this project will result in a more compatible lasting improvement to the historic district and re-enforce the character of Seville as one of Pensacola's most treasured neighborhoods. With respect, Robert Booth, Lauren Hayward Booth. All

have -- all of these letters have signatures.

ERICK MEAD: When you're concluded, I'm going to ask that you tender those to staff, and they can circulate them among the board members to review.

BRIAN SPENCER: I will. I have 10 copies of every letter.

ERICK MEAD: Please carry on.

BRIAN SPENCER: City of Pensacola review board chair members, my name is Blake Rushing, and I live just a stone's throw from the proposed project site at 627 East Government Street. My wife and I deliberately chose to make our home in the Seville Historic District, so that we could live in a walkable mixed use neighborhood, close to my downtown restaurant where I serve as executive chef and close enough that I can be present with my wife and children. The Seville District offers a unique blend of historic character, neighborhood, vitality, and access to public spaces like Seville Square, and Admiral Mason Park as well as nearby Pensacola Bayfront walking and biking paths. These are the qualities that drew us here, and they are the same qualities that this proposed development will strengthen. I understand that the applicant's requesting a setback variance to allow the project to

move forward. I support this request because the design is thoughtful, compassable with the scale of surrounding structures, and the respectful of the historic districts character. Rather than leaving an underutilized building in place, this project will introduce well-designed residential use that enhances both the visual and functional fabric of the block.

From the perspective of both a father and a businessowner, I see this project as a clear improvement. More residents living downtown means safer streets, more support for local businesses, and a stronger sense of community. It is exactly the kind of investment that re-enforces Pensacola's long-term vibrancy while honoring its past. I'm proud to add my name in support of this project, and I respectfully encourage your approval of the building setback variance request as well as the conceptual design. Blake Rushing.

Next, I respectfully submit this letter to you, ARB chair, and members. I may introduce myself. I'm a resident of 433 East Zarragossa Street. For two years, I have lived in and owned this historic building downtown. I'm a resident of Pensacola for 45 years, and I've lived in the downtown area for over 10 years. I also serve on the UWF Historic Board. On

behalf of Brian Spencer's submittal today, I fully support this. I would ask for approval of the building setback variance request as well as the demolition of the existing building. I believe it will be an improvement both esthetically and will fill the need for more housing downtown. I believe this is responsible growth. I also believe Brian Spencer is a well responsible and upstanding citizen and architect, who cares deeply about the historic values of our community and has vision with sensitivity to the current and future needs of Pensacola. I fully support the conceptual approval of 627 East Government Street. Respectfully, Terry Levin.

Dear Brian, you have my permission to share this letter of support for the demolition, building setback variances, and conceptual approval with the ARB chair and board members. At the ARB board meeting on August 21st, 2025, I wish I was able to voice my support in person, but I hope my opinion as a former ARB member is helpful for your project. I believe the proposed project results in new building massing that is substantially similar to the existing nonconformity along the Bayfront frontage and actually reduces the existing nonconformity along East Government frontage. I also believe the site presents unique conditions

unlike any other site in the district and setbacks as are defined by the LDC would preclude the construction of a usable footprint for infill housing for which the city has expressed an ongoing need. Furthermore, infill housing is the most appropriate use for this site given the residential fabric of the dead end street, and the design will be a great addition to the district. Finally, I believe the variance criteria have been demonstrated as outlined by the LDC. Thanks, Jordan Yee. And that Jordan is a former ARB member. I think I've covered it.

ERICK MEAD: All right. Are there any other --

BRIAN SPENCER: And I appreciate you allowing me to enter those into the record, not only in printed form, but to represent.

ERICK MEAD: I would just ask that -- that the ones that you read be submitted to the board secretary, so they can be circulated to the board for review by the members who may wish to review them.

BRIAN SPENCER: Yeah. Yes.

ERICK MEAD: Are there other questions from the board?

YURI RAMOS: Yes, Mr. Chairman, if I may ask a question --

ERICK MEAD: Please.

YURI RAMOS: -- of staff. Ms. Walker, can you please clarify -- so if we do -- let's say hypothetically we issue a variance here today, does that variance stay with the property owner or the property itself?

ADRIANNE WALKER: The variance would be specific to this development with those reduced setbacks. I mean, I suppose if somebody came back -- if this didn't work out, but if somebody wanted to proceed with exactly what the variance allowed, I want to say it's transferable; is that right?

YURI RAMOS: So it sticks to the property.

ADRIANNE WALKER: I mean, yeah. It sticks with the property.

YURI RAMOS: Okay.

ADRIANNE WALKER: It's not specific to Mr. Spencer, correct.

UNIDENTIFIED FEMALE: That's correct.

YURI RAMOS: And then one more question. Could you just clarify to me, so if we have an existing nonconforming structure that doesn't meet the code setbacks, if that gets demolished, there's no -- they're not grandfathered with those nonconforming conditions; is that correct?

ADRIANNE WALKER: That's correct. So the existing structure, we refer to as existing, nonconforming because it does not conform to the setbacks required of HC-1 zoning. I didn't find a whole lot of record about the building or there was talks of seeking a variance at some point, but didn't see the actual variance coming through. So essentially, if someone else came along and was given approval to demolish the existing structure, they would have to conform to the setbacks for this zoning which are 15 feet from street edge for the front yard, which you could make Bayfront or Government. You have double frontage here. The side is a minimum of 5 feet from the property line. There is a secondary side that's 7 and a half feet from the street edge, and then there's a rear setback of 20 feet minimum from the property line. So it's street edge and property line. So it's a little bit complex, but whomever comes along would have to conform to these or they would have to seek a variance to accommodate whatever they might try to do if they can't meet these setbacks.

YURI RAMOS: So where does the 20-feet setback apply?

ADRIANNE WALKER: So the 20-foot minimum

from the property line is the rear setback which for this particular development is Bayfront. So Bayfront is being considered the rear, and Government is being considered the front.

BRIAN SPENCER: And that's from the property line, so. Okay.

ADRIANNE WALKER: Yeah.

ERICK MEAD: Adrianne, could you please show the image of the existing building? On Government Street?

ADRIANNE WALKER: Like, the physical image or the site plan?

BRIAN SPENCER: Visible. Visible, please. I'm just --

ADRIANNE WALKER: That's in your demolition request.

BRIAN SPENCER: Yeah.

ADRIANNE WALKER: Does that suffice?

BRIAN SPENCER: No. Government Street.

ADRIANNE WALKER: Oh, the Government Street side, sorry.

BRIAN SPENCER: There. That's -- that's --

YURI RAMOS: Those are my questions. Thank you, Adrianne.

ERICK MEAD: I have a follow up to that, if

I may. If the applicable setbacks that this currently doesn't conform to were applied, what roughly is the percentage of usable footprint you would lose from the existing structure?

BRIAN SPENCER: I have to do a quick calculation. Let me think, 80 -- let's say 80 or I -- Adrianne, was that 23 street edge or property line?

ADRIANNE WALKER: For the year, it's 20 feet from the property line. That's the Bayfront side. And the front is 15 feet from street edge.

BRIAN SPENCER: Yeah. That's that. Probably -- I can quickly say 480 to 500 on the Government Street side, and I -- you know, I'd have to -- if you take a look, Mr. Mead.

ERICK MEAD: I'm just -- I just want some estimate.

BRIAN SPENCER: Look at that.

ERICK MEAD: Right.

BRIAN SPENCER: That triangle, that slice -- I mean, that ang --

ERICK MEAD: Right.

BRIAN SPENCER: Line.

ERICK MEAD: So if it were -- if it were applied, you'd be losing a substantial amount of footprint from the existing structure?

BRIAN SPENCER: Yes. Oh, yeah. From the -- yes.

ERICK MEAD: All right. And with respect to the --

BRIAN SPENCER: The existing as well. Yeah.

ERICK MEAD: And with respect to the existing structure, which as I understand it, because I have been to the property abuts the sidewalk.

BRIAN SPENCER: Yes. As that photograph shows, and we are pushing ours back at the ground Level 4 feet.

ERICK MEAD: And how far -- by coming back 4 feet off the sidewalk? And as I understand it, for any of the new extensions outside of the existing footprint, those are going to respect the setbacks?

BRIAN SPENCER: Yes. The --

ERICK MEAD: The east and west extension.

BRIAN SPENCER: Right. What I call the -- it's the kitchen for one that looks east, and then the elevator and stair vertical access.

ERICK MEAD: And lastly, the existing extension over the setback line on that corner element on the southeast side is going to be shifted, but not enlarged; is that correct?

BRIAN SPENCER: Correct.

ERICK MEAD: All right. Thank you. Other questions from the board, please.

BRIAN SPENCER: I just want to add one bit of color and the -- just -- I feel like it's pertinent, and I -- again, I thought I'd have a warmup with the demo. So I had certain speaking points. I just think it's relevant that you recognize how difficult it is in terms of seeking this variance. We're trying to -- I am, because I am the one -- I'm the developer trying to provide resident sizes that aren't the two and a half, $3 million downtown that, you know -- these are truly what all of us, as architects, continue to read about is, this is the way we are solving adding housing in very expensive areas is to think smarter, smaller. I've been accused of -- and I've had correspondence saying, you're just doing this. It's going to be like a hotel. I dare to say that if you saw interior perspectives, there are people from IHMC that would love to live in a 650-square foot, one-bedroom location within walking distance of IHMC. People that are coming here with American magic that would love having being able to call this home. And I just find it rather elitist to have people say, you know, they're not building our

big home, so we don't want them here. This is a solution to housing, and it's not asking for an increase in density.

ERICK MEAD: All right. Thank you. If there's nothing else, and I have no more questions from the board, I'm going to open this up to any -- again, evidentiary submissions from the people who have submitted speaker requests. So I'm -- I'm going to -- if you would relinquish the -- you can certainly come back and speak to any points you wish in rebuttal.

BRIAN SPENCER: So I will have a chance --

ERICK MEAD: You will briefly. So the first one -- and again, I'm going to caution everyone who wishes to speak that I'm -- the first question you need to answer when you get up to speak after identifying yourself is what item or items on the variance criteria list you believe you have evidence to submit, and we're going to hear that evidence. Beyond that, that's -- anything else wouldn't really be proper. So please confine yourself to the criteria and what you can tell us about any evidence that pertains to that for purposes of this variance proceeding.

So the first person I have on my list is

Mr. Brandon Sandefur, if you'd come up.

BRANDON SANDEFUR: I'm going to go ahead and decline my opportunity to speak at this time based on your criteria that you set forth.

ERICK MEAD: Okay.

BRANDON SANDEFUR: I don't have evidence. I just have commentary, and I'm not sure today --

ERICK MEAD: Thank you.

BRANDON SANDEFUR: -- in the interest of time, is a good idea to do that.

ERICK MEAD: Thank you. Those types of issues can certainly be raised in the conceptual or demolition portions because they will be appropriate in that setting because it's a different capacity in which we sit.

So those who like Mr. Sandefur have other comments or concerns that go beyond the evidentiary criteria, there will be an opportunity to hear that in the other sections that are appropriate. There's a question just briefly, Mr. Sandefur -- there's a question here.

UNIDENTIFIED MALE: (Inaudible).

ERICK MEAD: Speak up, please.

UNIDENTIFIED MALE: (Inaudible) can you clarify the evidence that you're expecting us to give

(inaudible).

ERICK MEAD: I -- I can't --

UNIDENTIFIED MALE: (Inaudible).

ERICK MEAD: So the question for the record -- no. It's all right. It's all right. You may sit. I'll --

UNIDENTIFIED MALE: I don't understand what you're --

ERICK MEAD: I understand your question. I'm -- I'm -- you don't need -- you don't need to. The question for the record is, is what is the -- the type of evidence that should be submitted. I can't prejudge what evidence is or what you may submit, and I'm not going to attempt to. All I can say is that you need to be able to identify what you believe your testimony would be relevant to when you come up here to testify so that we know that we're staying within the boundaries of what the process permits and what is relevant to this proceeding as a quasi judicial matter.

So Mr. Sandefur, did you have one other question?

BRANDON SANDEFUR: I don't have another question.

ERICK MEAD: Okay.

BRANDON SANDEFUR: (Inaudible) 3 minutes over to him, if we --

ERICK MEAD: We can't do that. We -- everybody has 3 minutes to speak on this item.

BRANDON SANDEFUR: The one thing -- to that point (inaudible).

ERICK MEAD: And it's not germane. It's okay. I'm just telling you what the rules are as far as these presentations are.

BRANDON SANDEFUR: (Inaudible) correctly, I want to make sure (inaudible).

ERICK MEAD: I understand. I appreciate that. So Mr. Sandefur's declining. The next person I have on my list is --

(Inaudible conversation.)

BRANDON SANDEFUR: (Inaudible) the direction we started this.

ERICK MEAD: All right.

BRANDON SANDEFUR: (Inaudible) evidence of something specific to --

ERICK MEAD: Yeah.

BRANDON SANDEFUR: That we talked about.

ERICK MEAD: Yes. You do.

BRANDON SANDEFUR: I mean, I've got --

(Inaudible conversation.)

ERICK MEAD: So to be clear, Mr. -- Mr. Spencer identified the item to which he believed those letters spoke, and I think, in fairness, most or all of them spoke to some element of that, the items that he identified. They were one or two items he identified that they would speak to. That's what I'm asking for everyone here to do is to identify the items they wish to speak to and to tell us what their evidence is as briefly and succinctly as you can. Because we're --

BRANDON SANDEFUR: (Inaudible) speak to number 6 and 7.

ERICK MEAD: Well, then, please come forward, Mr. Sandefur, and -- and identify yourself and your -- your address for the record.

BRANDON SANDEFUR: My name is Brandon Sandefur. I live at 610 East Government.

ERICK MEAD: All right.

BRANDON SANDEFUR: I'm speaking to the variance in harmony with the intent of the purpose, the hardship that it will create for us or for myself, personally, and my family at the end of the street.

Just a tiny bit of history without taking too much time, because I do have 3 minutes. Moving from Nashville, having seen development like this just

pop up in the middle of a residential area where everybody in the area is compromised by what will ultimately come out of this based on size, space, location, this is a personal hardship. This I gave up 29 years in a place to move to where I'm at now. And I'm extremely happy. But I fear what I've seen, you know, in a -- in a -- another city that motivated me to move here is now being bestowed upon me unduly and unfairly. And I just feel like this is -- this is just to the -- to the variance. Maybe the variance is within code and reason. It creates a hardship for me and my wife.

ERICK MEAD: All right. I have a brief question.

BRANDON SANDEFUR: Yes, sir.

ERICK MEAD: And this may apply to others of similar character. So I'm going to go ahead and pose it. Have you considered what the other allowable uses would permit here in terms of --

BRANDON SANDEFUR: I've made no consideration toward that whatsoever.

ERICK MEAD: All right.

BRANDON SANDEFUR: I moved my family and my home from 29 years to a place where I plan to retire.

ERICK MEAD: Do you understand that it can

be a commercial establishment?

BRANDON SANDEFUR: I fully understand it. I own business here in town.

ERICK MEAD: Okay. Very good. Thank you. The next I have is Mr. Devan Dunlap. Or maybe a Mrs., Ms. -- good afternoon, Ms. Dunlap. Would you give us your full name and address for the record, and then tell us what items you believe on the variance criteria -- you have some evidence to speak and provide us.

DEVAN DUNLAP: Yeah. Good afternoon. My name is Devan Dunlap. I'll be speaking on points one, three, and six.

ERICK MEAD: Okay.

DEVAN DUNLAP: I personally reside at 124 South Palafox Place, but I'm here representing Lot 9 of the 600 block of East Government Street and my family's company, Historic Pensacola Properties, LLC. I'm speaking on behalf of my mother today, Debra Dunlap. She's unable to be with us today. She's asked me to read this letter on her behalf. To the members of the ARB, I am the registered agent for Historic Pensacola Properties, LLC, owner of Lot 9 in the 600 block of East Government Street, adjacent to 627 East Government Street. I've been protecting and

preserving Pensacola history for over 30 years, and I am opposed to granting this variance. When I purchased the East Government property, I did so with full knowledge of restrictions for building in this neighborhood including setback lines and maximum heights. I purchased with the confidence that the City of Pensacola would protect and preserve the character of the Seville Square Historic District by holding all developers to the same guidelines. Granting this variance will not only diminish the surrounding property values, it will also diminish the trust the public has placed in your hands. As the guardians and protectors of all of Pensacola's unique historic districts, it is your duty to deny this variance to preserve the character of the Seville Historic District and to protect the ARB's own integrity. Sincerely, Debra Dunlap. Thank you.

ERICK MEAD: Thank you very much. The next speaker that I have is Chris Carrol. Good afternoon, Mr. Carrol. If you would please give us your name and address for the record and tell us what items on the variance criteria you believe --

CHRIS CARROL: Chris Carrol --

ERICK MEAD: -- provide it.

CHRIS CARROL: Chris Carrol, 612 East

Government Street. I want to thank you for approving my house which is right across the street from this a couple of months ago. And thank you.

You know, we're building 10 homes right across, and we're talking about the variance, and I get that when you expand the variance, you're trying to make it bigger. Well, the average -- you know, I don't know if you know this, but the average family residence is 1.9 cars per resident is the average in the United States. He's building 10 parking spots for the units, but he's taking up three or four in the road to get to those parking spots. So really, we're only gaining seven.

Okay. So now, if you go on the national average of where -- he's -- we're -- we're adding 10 parking spots that we don't have. I mean, there's going to be 10 more cars on the average than -- that -- if he's building 10, but in the front where -- where you're going in his parking garages for the variances, that you're giving up three parking spots on the road to get to those. So he's not really putting 10 there. He's actually putting about seven, and there may be four parking spots, but it's three or four.

Well, that being said, if he -- if -- how

many units are here? 10? Is that right? So that would be 19.2 on the national average parking spots that it would take to establish 10 family homes. So now he's adding another 14 parking spots that we don't even have already.

Now, I mean, it's common sense that if -- if you lived in a quiet neighborhood and somebody's really building -- we can go ahead and call it a hotel. The average hotel is 450 square feet. These are 600 or 500 or whatever they are, none -- none of you all would want that in your neighborhood right across the street from you, and I'm directly right across the street from it. I have a kid with special needs. I'm building a new house and with a kid, I don't want an apartment complex right across the street from me, and that's basically what it is. Or a hotel. And none of you all would want it in front of your house, and you know that. I mean -- I mean, I can't even believe that we're even proposing this.

And then a variance, we're going to talk about variances. He wants, what, a 20-foot variance and a 10-foot variance? I'm -- I was trying at one time to think about getting a 1 inch and I felt like that was impossible. And has there ever been on Government Street on this -- on the east side of

Palafox a variance that's -- of this magnitude? On Government Street? I would bet not. I mean, this -- you know, I just think that this shouldn't even be at the board.

ERICK MEAD: May I ask you one question?

CHRIS CARROL: Yes, sir.

ERICK MEAD: Do you know how many parking spots are in the existing commercial structure and its surroundings?

CHRIS CARROL: There?

ERICK MEAD: Yes.

CHRIS CARROL: No, sir.

ERICK MEAD: Okay.

UNIDENTIFIED MALE: There are 21 on the street (inaudible).

ERICK MEAD: Sir. Sir. Sir. There will be an opportunity for you to speak, if you submitted a speaker form. Please do not shout from the audience. We're going to keep this orderly, please. Thank you, sir.

CHRIS CARROL: Yeah. Thank you.

ERICK MEAD: The next speaker I have is Ms. Linda Webb. And again, Ms. Webb, if you would come to the microphone, tell me your name, address, and the items to which you think your evidence may

pertain on the evidence criteria list. Please sit.

LINDA WEBB: (Inaudible) two photos. Did you get that?

ADRIANNE WALKER: That type of information has to be submitted prior to the meeting. The idea is to present the evidence here at the meeting. So if you had something you wanted to show them, you would have needed to print that off.

LINDA WEBB: Okay. I'm sorry I did not do that.

ADRIANNE WALKER: Okay.

ERICK MEAD: So...

LINDA WEBB: Okay.

ERICK MEAD: Yes, ma'am. Please proceed.

LINDA WEBB: Good afternoon. I'm Linda Webb. I'm president of the Seville Square Historic District Neighborhood Association. And we appreciate your time and care. And I'm representing at least 50 members, household members, in our neighborhood.

Got the variance criteria here. Number one, special conditions peculiar to the land. Yes. It is a very odd shape. We admit that. Number three, it -- will it -- it will not confer on the applicant any special privilege? Yes. It is conferring special privilege, in that the photos that I did not print

out, did not bring, I have two photos of east -- the 600 block of -- of Government Street. If you look at those photos, maybe they can be entered into record later. I'm not sure what the procedure is. But anyway, you will notice that they're wood frame houses with setbacks, porches, and not what is being proposed.

Number four, deny the rights. You mentioned Crown Cove being a special zoning area. Well, the part of Crown Cove on -- that faces Government Street does have the wood frame houses with the porches and setbacks. That has not been shown in any evidence yet. So I -- again, I apologize for not bringing those photos, so you can see that.

Number five, if the variance is not granted, is there a reasonable use of the land? I'm sure there is. Probably not what's being proposed, but I'm sure something reasonable can go on that land that would fit and meet all the codes. Thank you. I appreciate your time.

ERICK MEAD: All right. The next speaker that I have is Christy Emmanuel. And to avoid needless duplication, the same instructions, if you don't mind, please.

CHRISTY EMMANUEL: Thank you. Thanks very

much for your time. Put my glasses on here. My name is Christy Emmanuel. I live at 313 South Florida Blanca Street between Government and Zarragossa.

ERICK MEAD: And Ms. -- Ms. Emmanuel, could you please tell us what -- what items on the variance criteria --

CHRISTY EMMANUEL: I don't have the specific items. I can only tell you in regards to the variance and my concerns in opposition to the variance. And I want to explain my reasons why.

ERICK MEAD: I understand. Would you like a copy of the variance? The list should be there in front of you. Just tell us for the record what you believe it's going to speak to so that we speak to this orderly.

CHRISTY EMMANUEL: I thought I was keeping it orderly, but. Let's go with five, that the variance granted is the minimum variance that will make possible the reasonable use of the land structure or building.

ERICK MEAD: Thank you.

CHRISTY EMMANUEL: I do not believe the requested variance will lend to enhancing the neighborhood, let alone its unique character, and I expect that it will exacerbate a scarcity of adequate

street parking.

Based upon the submittals for ARB consideration, it appears to me that the three parking spaces on Government Street immediately adjacent to the project will be lost; thereby, further aggravating the shortage that seems to be the talk of the neighborhood these days.

In terms of the representation, I think I heard from the applicant previously suggesting that this would not -- proposal would not add congestion to a public street. I respectfully disagree. The setbacks zoned for this property in our mixed use neighborhood establish guardrails for what is allowed. I have little basis to object to a development that fits within the perimeters of the prevailing zoning and setbacks and provide sufficient off street parking to promote anticipated occupancy, regardless of the intended use.

I understand the applicant wants you to make an exception. But why? What will be gained by granting this request? Is the promise of increased density with multiple 500-plus square foot dwellings the reason to make a concession? My biggest concern is that the development as proposed with the requested variance will, one, compound the parking issue we

currently face, and two, distract from valuable character of Seville Square Historic District. Excuse me.

I know the quality of the applicant's work. I am confident that his design lives up to the standard he has set in past projects. As a resident of this gem of the neighborhood, however, I strongly oppose the variance request per my comments above irrespective of the design considerations. Thank you.

ERICK MEAD: Thank you, ma'am. The next speaker I have is Rick Emmanuel. And again, sir, if you'll give us your name for the record, your address, and identify the criteria to which you speak. You think you have some evidence.

RICK EMMANUEL: Good afternoon. My name is Rick Emmanuel. I think I'm addressing Items 5, 6, 7, and Item B at the bottom of the page.

ERICK MEAD: Very good. Please -- please, sir.

RICK EMMANUEL: I live at 313 South Florida Blanca Street, two and a half blocks from this project. I walk by the site several times a week as I take my weekly walks around the Veterans Memorial Park. I'm a Florida Bar, board certified real estate attorney. I've spent most of my legal -- I'm already

at 3 minutes --

ADRIANNE WALKER: Continue. Sorry.

RICK EMMANUEL: I spent most of my legal career representing commercial real estate developers, landlords, and lenders. I'm not here to -- today to provide legal advice or a legal opinion. I say this to show to you that I am not antidevelopment, as I spent my life doing development. The increased density that Brian is requesting with 10 units on this project will probably generate about 20 cars on average. It's my understanding that the city requirement for parking spaces is about 18 feet per FDOT code. So there are approximately 17 parking spaces on this block of Government Street. It appears that the three pieces -- spaces immediately in front of the double garage doors will be lost reducing the total number of available parking spaces to approximately 14. On most days, most of those 17 spaces are in use. If 10 cars from this project need to park in the 14 spaces on Government Street, where is everyone else going to park? We have a drastic lack of parking in this -- in downtown, and this would only exacerbate that. I'm concerned that the three double garage doors for the six parking spaces appear to be immediately adjacent to the sidewalk. This will

create a dangerous condition for those of us who walk this area. This is the wrong project for a small parcel at the end of a dead end street. I request that you deny the variances. Thank you.

ERICK MEAD: Thank you, sir. Next speaker I have is, I believe, Roderic Magie; is that right? Mr. Magie, please come forward. Again --

YURI RAMOS: Mr. Chair, can I ask a question of staff?

ERICK MEAD: Certainly.

YURI RAMOS: What is the -- does the -- I guess we're not at that part of the package yet, but does the proposed design meet the parking requirements for that zone? Zoning?

ADRIANNE WALKER: It does. So one space per unit is the minimum requirement which is met with the -- with the design, and just to clarify, too, city right-of-way and parking is not under the jurisdiction of the ARB, and it's not a part of this variance either. Mr. Spencer was referred to Liza Dees in parking who he has consulted with from a city perspective, but just as a reminder, you know, parking is not under the jurisdiction of this board and is not necessarily subject to this variance.

YURI RAMOS: Thank you.

ERICK MEAD: Thank you. Mr. Magie, if you would give us your name, your address, and the items of the criteria you're going to speak to.

RODERIC MAGIE: Yes, sir. My name is Rod Magie. I reside at 609 Crown Cove. I've been a resident there for over 30 years. I'm speaking to Item 6 on the variance criteria that requires that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

I believe as some others have said, there's about 17 parking spots in that block between Cevallos and the end of Government. There are 1.9, according to another witness, and certainly by my 30 years of walking that block, two cars per resident is the norm. There's space allowed for one car per resident in the structure that spills out an excess of cars at this point, 17 parking spots barely suffice to put in the additional amount. Particularly, overnight parking is going to make the whole parking situation out of hand.

I want to say that I have no problem with Mr. Spencer trying to improve that property. He designed my house over 30 years ago. He's a wonderful architect. It's just this particular design is out of character to the public domain. Thank you.

ERICK MEAD: Thank you, sir. The next speaker I have is Stephen Fluegge or Fluegge.

STEPHEN FLUEGGE: Fluegge.

ERICK MEAD: Fluegge. Mr. Fluegge, same -- if you'll please give us your name, address, and the items of criteria you wish to speak to.

STEPHEN FLUEGGE: Sure. My name is Steve Fluegge. I reside at 555 East Government Street. I've owned it since 1984. My family has been in the historic district either as property owners or residents since 1968. I'm talking about Item 6, but I want to talk about variances in general. You all are the guardians of the crown jewel of Pensacola's historicity.

ERICK MEAD: So sir, the -- if you're going to speak to the argument on variance, I don't believe that's germane.

STEPHEN FLUEGGE: Well, my -- my argument would be is that none of them should be allowed, simply so that a developer can make a few more dollars.

ERICK MEAD: Sir, that's argument. I need --

STEPHEN FLUEGGE: And that is my argument. Thank you very much.

ERICK MEAD: Thank you, sir. Next speaker on the form is Lina Stephens or Lina Stephens. And likewise, ma'am, if you'll give us your name, address, and the points of criteria to wish you -- you would speak.

LINA STEPHENS: Thank you for your time. It's Lina Stephens. I currently reside at 607 Crown Cove, and I'm currently in the process of building the house directly next door to this proposed project which is 617 Crown Cove.

You had a question earlier to one of the other homeowners about how many parking spots this property currently has. It has 11 parking spots on the west side directly next to my fence, and it has an additional two or three parking spots on the east side of the property.

You know, I have nothing against Brian Spencer. He designed my house next door to this property. And when I was first aware of what's happening and looked at the pictures, which do not give it justice, it doesn't give it justice how much of an expansion he is looking at doing. We were hoping for some high-end condominiums, maybe four or five brand new neighbors to keep this area quiet. And I'm with the other homeowners, that the variance is

simply so that he can build a project that can turn a profit. If you look at the picture where it's showing 500 to 600-square foot residences, divided by a single hallway on each floor of this building, you're looking at an extended stay -- an Airbnb, a Motel 6 next to a residential single family homes.

As far as variances go, I have a survey team out at the house I'm currently building every month surveying to make sure I don't go an inch past my variances. This property's fence on the west side is currently 6 to 10 inches on -- over my property line. I'm not sure if that's grandfathered in or not.

So I'm against this variance, simply because he's trying to sell a concept to a developer that will turn this property into a dense extended stay next to our single family homes.

ERICK MEAD: Thank you.

LINA STEPHENS: Thank you.

ERICK MEAD: I appreciate the -- the emotion and concern of the property owners in the area, but I will have to remind you to please confine yourself to what is evidence of the criteria, not your views or speculation about the nature of the project or things that are not properly within the purview of this variance request because, one, it's going to eat

up time that we don't need to have, and two, it isn't proper because it's not relevant to the -- to the proceeding.

So Mr. Kevin Stephens, if you would, please.

KEVIN STEPHENS: You already have this picture, but.

ERICK MEAD: And please give us your name, your address --

KEVIN STEPHENS: Yeah. Kevin Stephens, and just speak on behalf of 603 and 605 East Government. So the properties basically to the left of -- of the properties --

ERICK MEAD: Okay.

KEVIN STEPHENS: -- as well as my wife at 607 --

ERICK MEAD: All right.

KEVIN STEPHENS: -- and the Crown Cove.

ERICK MEAD: Which are you going to speak to?

KEVIN STEPHENS: I'm -- I'm referencing the criteria six and seven. The -- you know, six being -- will not be injurious or involved or otherwise detrimental to the public welfare.

As several other speakers spoke about,

there's -- there's 10 parking spots for the 10 units. If this was built in the county, I -- I develop homes as well as multi-family, so I'm -- I'm -- you know, I -- I come up here, and I'm speaking against, you know, developing, and I develop, and I build houses and so forth. I'm just very cautious on where I build those when I'm doing the residential areas. If this was in the county, it couldn't be built because the county requires two parking spots per unit because they know when you look at a unit like that, you're going to have at least two people in there which would be 20 cars minimum.

When I first looked at it, my wife and I's first thought was, you know what? It could be worse. It doesn't look bad. There's going to be something built here. It wasn't until we got the petition and someone -- some of our neighbors chatted with us and actually delved into it and looked at the -- the internal layout that I'm like, this is an Airbnb. This is a short-term rental. This is just like the extended stay right down the road. So this is not going to be affordable housing as it's been touted. Or attainable housing, I think, is the new phrase now.

ERICK MEAD: I'm going to caution you, sir, please don't speculate about things that are not --

KEVIN STEPHENS: Okay. But -- but -- so back on -- I'm sorry, seven, be -- you know, will be injurious to the area involved or otherwise detrimental to the public welfare, so. You pretty much, you know, got unanimous people that are directly affected, those individuals in front of it, those individuals behind it by a hotel or multi-family, whatever this project is being designed to do, so.

Again, we just -- again, already -- already congested and -- and when it comes to the variance criteria, I mean, there's multiple things, as this board alluded to, that could be built there. This is -- so it would not require these variances. So -- so it's not -- it's not that anything else can't be built there, it isn't any structures can be built there outside of this that it's zoned for, we're going above and beyond.

And lastly, I would like to say when you're -- when we're talking about special conditions that wouldn't be conveyed to anyone else, it would be like me coming to this board, and I'm not sure if it would be approved or denied, so I'm not sure if three or four would apply, but me asking for 603 and 605 which has the same zoning right next to the project, for me to be allowed to come all the way out to the

street, I'm not sure if this board would allow that or not, but if this proposed project was approved, I certainly have a good argument on why I can't have mine directly next door, same zoning, same plans, everything, moved out with the same setback. So I wouldn't -- I'm not sure I'd actually ask for that because I wouldn't want to violate what I just said 7-A or 7-B on the variance.

So anyway, that's -- that's -- that's why we're here is to, again, just -- we want to keep our neighborhood the way it is. We like it. I'm all about affordable housing and so forth. But that's -- that's -- that's -- that's not this. This is going to be congested and -- and -- and again, like I said, it's certainly not conducive to the harmony or welfare.

And lastly, as I -- as I clock out --

ADRIANNE WALKER: Your 3 minutes are up.

ERICK MEAD: Your 3 minutes are up, sir.

KEVIN STEPHENS: Okay. Real estate company as well and --

ERICK MEAD: Please.

KEVIN STEPHENS: -- would definitely --

ERICK MEAD: Yeah.

KEVIN STEPHENS: -- lower the property

values in our area having this family --

ERICK MEAD: Thank you.

KEVIN STEPHENS: Thank you.

ERICK MEAD: Next speaker is Stephen Preisser. Mr. Preisser, likewise, your name, your address, and the criteria to which you're going to speak.

STEPHEN PREISSER: Steve Preisser, 626 East Government Street across the street from Mr. (Inaudible). I also am speaking on behalf of the Seville Place Homeowners Association. There's six houses directly across the street. I'm going to address three, five, and six. I also have the petition signed by 49 residents of this immediate area. We struck Kim Stevens off the petition. The petition speaks for itself. I offer those to the secretary for the purposes --

ERICK MEAD: I would ask if we had a statement that can be read into the record by an individual that was identified, that would be appropriate. That certainly has been established. I'm not sure about a petition, per se. I'll ask counsel's direction on that.

KIA GOLDSMITH: Yes. Mr. Chairman, Kia Goldsmith, deputy city attorney. Petitions are not

competent substantial evidence in a quasi judicial matter. So just as you stated, I would recommend that we stick to the statements that can be read into the record.

ERICK MEAD: Thank you -- thank you. And to counsel.

STEPHEN PREISSER: The petition has a preamble which every person had when they signed it. This is the same as a letter.

ERICK MEAD: Sir.

STEPHEN PREISSER: The preamble is the same as a letter; isn't it?

ERICK MEAD: I understand your point. The -- the issue here is, we have to take direction of counsel. I -- we've asked for an opinion. I tend to agree with it, as chair, that a statement that is a preamble isn't the statement of an individual witness. It is a statement they're asked to agree or disagree with. I don't think that's -- in my view, I tend to agree with counsel as a practical matter that it's not going to tell us anything, particular, evidently speaking, so please give us your evidence on those criteria.

STEPHEN PREISSER: I have a letter also on behalf of the Seville Homeowners Association, all six

of us, which I'd like to tender as addressing the criteria.

ERICK MEAD: This is on behalf of the association in the district?

STEPHEN PREISSER: It is.

ERICK MEAD: And you are an officer of that association?

STEPHEN PREISSER: I am.

ERICK MEAD: You may --

STEPHEN PREISSER: I'm actually an attorney.

ERICK MEAD: Well, no, no. If it's -- if it's a statement of the association, I think that is competent. You certainly may read that.

STEPHEN PREISSER: Well, I'll give it to the --

ERICK MEAD: That's fine, too.

STEPHEN PREISSER: And I'll do that when I'm finished.

ERICK MEAD: Yes.

STEPHEN PREISSER: I'm going to make a point about what Mr. Spencer said where they -- there are some --

ERICK MEAD: Could you speak into your mic a little bit so the people can hear you?

STEPHEN PREISSER: There are some properties on Government Street that don't have the setback. He refers to 312 East Government Street built in 1901. He refers to 438 East Government built in 1960. He refers to 610 Crown Cove built in 1984, and he refers to Mr. Kerrigan's office, the one at issue 627 built in 1981. All those variances, all those properties with those setbacks were built 40 or 50 years ago. This building, what he's proposing to do is place a 10-story -- a 10 -- a three-story 10-unit condominium complex on a parcel of land that is more appropriate for a single house. This -- this has -- this property has a use already. There's a building there. It's nonconforming, but that's -- that's -- that's grandfathered in. So there is a -- there is already a use, and he has not shown -- I mean, yes, it -- it cannot take a hotel without a variance, but this is going to be the camel under the tent that anybody that has a piece of property -- and there are other vacant properties on this area. They're going to turn around and say, I want a variance because I want to build a hotel there. There's other uses for this property, and he has to establish that in order to get a variance.

We know for a fact there is because there's

a building on there right now. And that building is habitable and that building is used as an office. How do you not -- I also disagree with it doesn't affect the values and every person, all the 49 people that signed our petition, we sure felt that it affected the values. And I -- I know Ms. Davis, she's a real estate broker. I respect her opinion. But everybody's affected. The 49 of us all think this is going to mess up our home values. You're also going to increase the density. This is not appropriate for the land where it is being proposed. That is the whole point. If -- if this is appropriate for land, and if you're going to grant a variance because the guy wants to build a multi-family dwelling on a single lot, then every -- I tell you what's going to stop, this --

ERICK MEAD: Mr. Preisser, please don't indulge into argument. Please confine yourself.

STEPHEN PREISSER: It's density. You're going to permit it. You're opening a camel under a tent. Thank you.

ERICK MEAD: Thank you. The next speaker is Tracey Preisser. Ms. Preisser, again, please give us your name, your address, and the criteria to which you wish to speak.

TRACEY PREISSER: Good afternoon. Thank you for allowing me to speak. My name is Tracey Preisser. That was my husband, Stephen, who just spoke. We live at 626 East Government Street. And again, I would be addressing numbers five and six. It's a repetition. Obviously, this is a heartfelt argument.

For those of us who live there, I don't see how you can say that it would not affect our quality of life, the density, increase in the parking, and I recognize that the parking is not your jurisdiction except that with this existing building having no setback and being directly on the sidewalk. If you're proposing to do that with this building as well, when you have cars pulling out of a garage, people walking by on the sidewalk, that's a safety issue. There are children. There are pets. There are people riding their bicycles. This is an area right across from the park. So we have a lot of foot traffic coming down our area to cross the street -- to cross 9th Avenue to get into Veterans Memorial Park. And I believe the applicant. Encourage you to go look at the odd shape of the lot. I encourage that as well to -- to grant this variance, to see the size of the building being proposed on this really odd-shaped squashed lot. I

recognize the variance isn't for height. It's strictly for, you know, spreading the -- the footprint of the building. You're talking about the density, just cramming a lot of people on just a very, very small portion of property. Again, it's a very quiet, quaint street, very limited parking, and yes, there will be 10 spots on the bottom floor of this building if the granted -- if the variance is granted. But there is no mandate that those people have to park in those 10 spots. They may very well choose to try to park out on the street, to leave those spots for their guests or somebody else where we cannot even park our cars. A lot of people coming home from work have no place to park and have to park two or three blocks away just to get to your home, to your existing homes. So I recognize, again, that, you know, you're saying parking is not your jurisdiction, but it does certainly affect our quality of life. This is a minor issue.

The address of the property is 627 East Government Street. The variance notification sign was put on Bayfront Parkway. It was not put in front of our homes. We didn't even see it until just recently. We went to look for it. Again, that's a minor thing, but to me, I don't understand why that -- that was not

put in front of the -- the address of -- of the property where the variance is being requested.

I'd like to point out that this variance request, it's not about the size, the color, the shape of the structure. Yes, it's going to be a beautiful building, and yes, the -- the one there is not that appealing. But the people that wrote those letters that the applicant read, they don't live there. The people that live there that will be affected are Crown Cove and Seville Place homeowners, and every one of us are here, and every one of us oppose it because it will affect our quality of life.

ERICK MEAD: Thank you, ma'am. Your time is up.

TRACEY PREISSER: Thank you.

ERICK MEAD: Appreciate it. The next speaker is, I believe, Kathy Tapper.

KATHY TANNER: Tanner.

ERICK MEAD: Tanner, sorry.

KATHY TANNER: Kathy Tanner.

ERICK MEAD: Tanner.

KATHY TANNER: (Inaudible).

ERICK MEAD: Your Ns look very much like broad Ps. I'm sorry, ma'am.

KATHY TANNER: How are you?

ERICK MEAD: Yes. Please give us your name, address, and the -- and the criteria to which you're going to speak.

KATHY TANNER: I'm Kathy Tanner, 421 East Zarragossa Street. I used to be on the Bayfront Parkway at 420 Bayfront Parkway. And I understand the importance of the address of Government Street. I also am -- understand the importance of where you put your sign for your variance requests. And I'm highly disappointed.

I would like to put my name on the petition to say I oppose this. The reason why I oppose this -- and I'm going to go to this because I wasn't quite prepared. I don't do this very often. Is -- is there a special privilege here? Well, I heard letters, and yes, I think they're special privilege from Mr. Spencer's letters. Those are people he works with very closely. They've made a lot of money. So is there privilege on those letters? Yes. If I was going to have a furniture store and somebody asked me to write a letter because maybe I could stage those units, I would write that letter because I'm a businessperson. So I would like those letters really looked at. Okay. So I --

ERICK MEAD: I'm just going to ask, please

don't indulge in argument or --

KATHY TANNER: Okay.

ERICK MEAD: -- you know, speculate about people's motivations, please.

KATHY TANNER: Okay. So the next thing is, is -- okay. There is a motivation here of getting outside of the setback lines. Who does that hurt? Well, that definitely hurts next door. It hurts the light. It hurts the breathing. The street with the garages. Okay. That looks pretty nice, but. Your typical car is going to be 14 to 16-feet deep. What kind of cars are going to put in there? And then there's many cars, and there's children there. This looks identical to a Residence Inn Wing at either like the airport or over on the Bayfront Parkway. It is an extended stay without a general manager. And I think if it is, then the special privilege of having 10 units there might have to go ahead and be incorporated with the rules and regulations of a hotel or a small inn, like the Oyster Bay Inn. But in the meantime, it doesn't look very exciting.

Mr. Spencer is a great, great architect. That is a beautiful piece of property. He can work within those setbacks, and he can make something very stunning there. And at this point I'm very

disappointed. And I'm worried about the drainage, too, on the Bayfront Parkway. With the new Sun Trail and the 6-foot sidewalks that are going in front of his place. And also, the taking down of the trees that were put up by Project Green Shore. So I think everybody needs to think about this a little bit harder and deeper, and even Mr. Spencer -- Brian -- I think you need to get a little bit more creative on being a better steward in our neighborhood.

ERICK MEAD: Thank you, ma'am. The last speaker that I have is Mr. Scott Sallis.

SCOTT SALLIS: Sallis.

ERICK MEAD: Mr. Sallis, if you come forward, give us your name, your address, and the criteria to which you wish to speak. And if you need a list of the criteria, I'm sure we can find another sheet for you.

SCOTT SALLIS: There's not enough time to go through all of them. Hello, everyone. I'm Scott Sallis. I own an architecture firm and some cottages, residential cottages, down the street at 503 East Government Street. To Mr. Chairman and board members, it's a privilege to be here.

Adrianne, I wanted to confirm, of the three -- three line items on the agenda, is this -- is

the variance the only quasi judicial --

ADRIANNE WALKER: That is correct. The variance --

SCOTT SALLIS: Okay.

ADRIANNE WALKER: -- is quasi judicial. The other two are not.

SCOTT SALLIS: Excellent. Thank you. I think that's a large part of what the audience has misunderstood.

ERICK MEAD: That's why we're trying to explain.

SCOTT SALLIS: We are currently in a quasi judicial setting which is very different than an ARB meeting, and it's a true legal proceeding, and we're speaking to this variance that needs to acquire of that. So I'm -- I don't even -- I do not have enough time to go down through all seven, so I would love to, but I'll stick to the first three. And it's just such a privilege to be here in this -- in this city, in this building, and I love seeing this room. I present to this board almost every month and very rarely is there an audience. So I love it when citizens come together. Even if there's controversy, we get to all be heard, and I have --

ERICK MEAD: I am going to ask you to

confine yourself.

SCOTT SALLIS: Yeah, I will. That's my preferences here.

So what I will say is this, I have many clients in this room, too, and they come to me and ask, hey, can I get this through the city? And many of them are concerned when they sit down with me with that, and I'm like, yeah, if we follow these procedures.

So when it comes to a variance, we work very hard to not seek variances because it's saying, may I have an exception to the rules? I can't create a selection within the rules, so may I have a -- an exception to the rules? And if that exception is granted, how would it affect everyone else? So that's a very hard thing to do. A variance hardship is very difficult to prove. And what I often tell my clients is -- they're like, well, what is the scenario that would be the case that a variance might be considered? And truthfully, a situation like this one is an example I give.

ERICK MEAD: Mr. Sallis, you're indulging in some legal argument here, and I -- I'd just like for --

SCOTT SALLIS: Okay.

ERICK MEAD: -- hear what evidence you have to present --

SCOTT SALLIS: Okay. So...

ERICK MEAD: -- on this project.

SCOTT SALLIS: Well, the example being, often in the city, there are buildings that are older than the land development code. And, so, therefore, the placement like this one does not meet required setbacks. And, so, in this case, to build in compliance on the property would force a lesser building, a smaller building. And, so, to me, that's a great example of hardship by location.

Another example of hardship by location is the shape of the -- the shape of the lot and its location. So there's kind of a two-sided coin. You can build a argument against it because it's -- because of its location, and you can build an argument for it because of its location. And I would just like for the board to consider that the nonconforming existing building gives credence to why it should be considered for a new development, and because it's at the end of the road, if -- if there was a roundabout at the end of this road that I know this neighborhood really spoke out against, you would have a radically different solution. But because the neighborhood has

chosen to -- to block it off, this is why -- why we're doing that. So I think the existing building, the existing shape of the lot, and this location is worthy of being considered for the variance that makes this stand out from different properties in the district. And I --

ADRIANNE WALKER: Three minutes are up. I'm sorry. I have to be fair. It's gone --

ERICK MEAD: You're done.

SCOTT SALLIS: I may not be able to speak again. I -- I'm -- okay.

ERICK MEAD: Thank you. And now I'll allow the applicant a brief rebuttal on any points that he thinks needs response, but I'd ask you to confine yourself to points raised in the -- the statement -- the other statements.

BRIAN SPENCER: I'll let the chair determine my time, please, audience, but I will --

ERICK MEAD: The applicant doesn't have a limitation of time --

BRIAN SPENCER: Thank you.

ERICK MEAD: -- your case.

BRIAN SPENCER: So thank you. I took notes, and I do plan on sticking strictly to, basically, rebuttal. Thank you.

Okay. Thank you so much. I appreciate the chance to be up here again. Thank you for all members commenting on this project, even if you are against my -- my proposal. It shows you care.

I do want to say that. I -- A very important correction, I thought I clearly stated I met with Liza Dees. There's not one single loss of an on street parking space even though that's not germane to the variance. And we have a drawing. We've met with city staff, and we are showing how that does not occur. I want to dispel that comment.

One other comment that was made is, I understand the Seville -- Seville Square Association, someone said they represent all 54 members there. That was apparently done with the board of directors meeting. So I know people that were members of that, that were not notified of a meeting that occurred Thursday, and the -- something was presented, but there was no meeting notice for members to attend. Just -- I think that's important. That was a Tuesday night meeting, but that was provided. There was seven board members. No other attendees.

As far as -- I just want to also say, everyone is talking about parking, parking, parking. Again, everyone that has built, everyone that's pulled

a permit in that area knew and know today, they are not building and choosing to be in an R13, R14 where I live in Zarragossa, R15 in gap around where they -- they have chosen to reside and build their house including Christy and Rick Emmanuel in a mixed use neighborhood that has zero off-street requirements, off-street parking.

ERICK MEAD: Mr. Spencer, I think we've established the parking is --

BRIAN SPENCER: Okay.

ERICK MEAD: -- is not germane.

BRIAN SPENCER: Thank you. Well, it sure seems to be --

UNIDENTIFIED FEMALE: (Inaudible).

ERICK MEAD: Ma'am -- ma'am, please.

BRIAN SPENCER: Okay. Finally, I just have to share this, and I do it with a bit of humor about a comment, about the -- again, the proximity of the garage doors. Mr. Rick Emmanuel was my attorney who wrote all of the legal documents when I was developing Baylen Lofts on South Baylen, a much more heavily trafficked project with much more pedestrian activity. Coincidently, I saw Mr. Emmanuel walking the other day to the park. He, like everyone else, walks down the middle of the dead end street.

ERICK MEAD: I would also --

BRIAN SPENCER: Okay.

ERICK MEAD: -- ask you to refrain from personal comment or motivations.

BRIAN SPENCER: But -- and as far as a comment about inferring that this might be a -- a Motel 6, I dare to say that there's nothing that could be further from the truth on that.

And as far as where our District 5 ECA representative whose primary home is in Molino resides versus Crown Cove, I'm sorry, but that -- this particular massing, in fact, they said it, it distracts from the air, light, and quality. There could be a project that very much changes the view corridor that this project maintains to the east for the adjacent property. I was very respectful because they are friends. I did design that house, and I thought how important it was that they could still look to the east.

Finally, the garage lengths, the bays and the widths, if anyone works with me, it's my pet peeve to have a garage that's too short and not wide enough. These stalls for these cars are 11 feet wide and 22 feet deep each. They are exceptionally large. So people will very much want to park in this -- in the

shade in these parking spaces.

ERICK MEAD: All right.

BRIAN SPENCER: Okay.

ERICK MEAD: Sir, please don't speak.

BRIAN SPENCER: Thank you so much, everyone. I know that I've sat in your seat, and I'm -- I hope that you grant -- grant approval for this variance request, so we can have the next part of the show.

ERICK MEAD: All right. So with that, you conclude your rebuttal. I think we will close the evidentiary period portion of this -- this quasi judicial hearing, and we will undertake deliberation on the variance by the board.

So from this point forward, please refrain from comments in the audience as we conduct our deliberations and determine what we're going to do with this application, so. I'll open it up to the board for their questions or comments or points that they would like to raise. Who's --

YURI RAMOS: Mr. Chair, if I may.

ERICK MEAD: Yes. Mr. Ramos.

YURI RAMOS: I just want to clarify that as a board member, you know, reviewing variance criteria, we -- I personally try to -- you know, if I hear a

comment that -- something that it's not ideal that you don't want or you don't like, personally, but it meets code, we -- I feel that as a board member you have to almost not take that into consideration because the applicant is allowed the right to the code; right? So we all follow the same code. If aspects of this meets code, it is allowed in. And the example is parking. The example is use, density, high -- all those things, and I understand it's -- it's change, and it -- it's going to affect your lives, your daily lives; right? So I sympathize with that, but it -- those things meet code, so we don't -- I feel that we can't necessarily take them into consideration.

I have a question for staff. When we do this -- these variance proceedings, the design that's being presented, how much are we taking in -- because I -- you know, I have issues with some of the design aspects that I plan to address when that item comes up. And you know -- and just give an example, the garage, you know, typically, we don't approve garages on this neighborhood or anywhere really in the historic district; right? So from that standpoint, the -- what's being proposed I would not approve, but from a variance, you know, looking at the variance criteria, I do feel that the applicant has a -- a

point that is relevant. This is an odd site. It's a dead end street. It's -- it's kind of sat in its own area, even though it's a part of a greater larger neighborhood. It almost seems like it's part of that SSD. You know, it naturally looks that way unless you're looking at a zoning map. That's the only reason you would know that it doesn't belong to that SSD. So I think there's merit to the variance request, and I'm not saying that I will approve the variance request. I'm just saying -- I'm just trying to explain that in my mind a variance and what the design is are two different things.

ADRIANNE WALKER: Mr. Chair, if I may.

ERICK MEAD: Yes, ma'am.

ADRIANNE WALKER: You're correct. So for this variance proceeding, you are purely looking at the request to reduce the front and rear yard setbacks. You are not reviewing it from an esthetic standpoint, the materials provided as a visual representation to provide context to the request, but you are really solely focusing on the site plan, if you will, and the reduction of those setbacks. You could very well approve this variance, and then deny the conceptual application because of things that maybe don't meet the historic district's code, so.

This really is only about allowing that reduction of setback. You are not approving the conceptual design by approving the variance.

YURI RAMOS: Thank you. Thank you, Ms. Walker. And with that clarification, I would just like to state that, in my opinion, I think there's merit to the variance request for the Bayfront setback, the setback on Bayfront. But I do feel that the East Government Street set -- or variance request is -- is, perhaps, not as appropriate as the one on Bayfront because it's -- it's -- it is requesting a -- what we -- what I would say a privilege that the neighboring -- any -- any neighbor that would like to build a new home in that neighborhood would not have, but I do think that when you look at Bayfront, when you drive down Bayfront, and you kind of try to understand the qualities of that streetscape, that bring in that building closer to that property line is not detrimental to the overall sort of quality of the neighborhood.

ERICK MEAD: If I may, to privilege, I want to respond to that point. I -- I would tend to agree with you just on the overall concept, Bayfront versus Government, if this was not a triangular parcel, because effectively, those -- those -- those setbacks

converge at the point. And, so if this was a rectangular -- a rectangular property, you would not have these same types of limitations on that -- on that east side that is driving some of this determination. So I make that distinction for my purposes, and I'd just thought I would make that comment since it was germane to what you said. So yes. Yes.

LOU COURTNEY: So if you are talking about approving a variance -- I mean, so is that possible that you can approve one side and not the other? Or is it just like --

ERICK MEAD: I think that's a question for staff as to the scope of the --

LOU COURTNEY: Variance.

ERICK MEAD: Of the application. So I think the question is, is there or are there variations of this application we can accept and reject others or what is the position of the city on that?

ADRIANNE WALKER: I mean, typically, I believe it is whatever is stated in the variance application and what has been applied for, but I might have to defer to Kia. Is that possible to approve certain aspects?

KIA GOLDSMITH: The applicant would need to withdraw certain aspects for you to not make a ruling on those portions.

ERICK MEAD: Understood. Thank you. An important question. Thank you. Other -- other board members like to speak? Mr. Fisher?

SCOTT FISHER: No.

ERICK MEAD: No. Mr. -- Mr. Del Gallo.

DAVID DEL GALLO: No. I'm struggling with this one. Staff, if -- if this stayed a commercial property, what's the height restriction on the commercial property in this location?

ADRIANNE WALKER: That is a good question. I think because of -- I've got too many papers. The height for this zoning is two and a half stories, 35 feet max. And we measure height from finished floor elevation to roof peak, so the occupiable space. So obviously that first floor parking is not considered in the height calculation. Because it's not occupiable. So 35 feet is the max --

DAVID DEL GALLO: 35?

ADRIANNE WALKER: -- without seeking a variance.

DAVID DEL GALLO: All right. So conceivably, if someone wanted to leave this

commercial and put another floor on that building, if it structurally could hold it, there could be a third floor on top of the existing building to go to 35 feet? 34 feet?

LOU COURTNEY: Do we know what -- the existing building, how high it is now?

ERICK MEAD: It's only two stories. I've been inside of it. It's a law office, and it's -- and it's like 8-foot ceilings. It's not that -- it's not that high.

ADRIANNE WALKER: Somebody in the audience said it's 31 feet high, existing building.

ERICK MEAD: I -- I have a couple of points I think I'd like to make, if there are no other comments from the board. One -- one of the features of the historic district -- and this is where I -- I think we need to think carefully about this. If we take the existing modern setbacks for new development and we apply them consistently to structures that for whatever reason, God forbid, we have a hurricane and somebody comes in and has to build a new structure, well, we have actually a provision in the Code 12, 3, 10, 2D to Sub Roman Numeral III, and it says that no provision of this section shall be interpreted to prevent the restoration or reconstruction of any

historic building or feature as listed by the Pensacola Historic Preservation Board in its original style, dimensions or position on its original structure or foundation.

It's important to understand that the siting of buildings in the historic district is a fundamental part of its character and the variation in the siting of those structures which is quite wide and varied throughout the district is an -- is an inherent element of its character as a historic district with, frankly, somewhat haphazard, in some cases, siting requirements which give it a lot of its character because it is not a cookie cutter -- it's this much forward, and it's not a subdivision. We have elements of that which this board has reviewed, and for instance, Old East Hill where we have some other smaller structures that are literally sitting on the sidewalk, and we've looked at that, and we've valued those questions as that variety of that siting that comes from the historical character of the development of the districts that we try to respect as a board and have -- have talked about and acted upon in many settings.

The district here, I think, is that this is a noncontributing structure in terms of its vintage is

probably the '70s or '80s, I think, when it was built, but it's nonconforming, and it's built, however, in a manner that is consistent with the historic character of a building built directly upon the lot line which is a -- a feature that you see in -- in the district and in -- in other areas of the city with similar characters to this. Old East Hill being one I just mentioned. And I think it is -- it is certainly something we don't want to be overzealous about those siting requirements where there are issues that have been put forward as to the limitations of the site. Again, I've mentioned the triangular nature of it which limits one side's application so that you have converging setbacks on one side. In this instance, the applicant seems to have addressed itself to one -- relinquishing some of the nonconformity on -- on that zero lot line side in order to accommodate some concerns about sight lines and whatnot and pedestrian for the -- for the garage, that seemed to make sense to me, just as an overall design feature.

But the issue here is that by relinquishing that nonconformity in the existing footprint, they're simply extending to the east and west respecting the existing setbacks for the new footprints that are outside of the prior footprint. That seems, to me, to

make a difference in that respect. It's certainly not enlarging the nonconformity.

Now, whether this qualifies as a grandfather or not is a legal question I'm not going to speak to. And I don't think it's part of the variance because we're asking explicitly for an exception to code provisions that might otherwise apply.

But under these circumstances, I -- I tend to think that these criteria have been met because those special conditions that are there are not the fault of the applicant. They do contribute to the character of the neighborhood, and to remove them in order to force a setback artificially in this setting on a nonstandard lot unlike any of the other lots surrounding it and certainly not like the ones that directly abut it, I think, would be an exercise in form over substance.

And in that respect, I think this is an appropriate variance because I do think that these -- these interpretations for this site and for this building given its history and its place in the historic district, I think, is appropriate because what we're talking about here is just a footprint, and we're talking about de minimus variations from an

existing footprint, some of which relinquish a nonconformity that exists, otherwise, in that structure to the benefit of the pedestrians because it's going to push back that -- that frontage foot -- setback. And I don't think doing any -- any injury with respect to the overall character of the structure -- a structure. I'm not speaking to the use. It's irrelevant for this purpose. Just like it's irrelevant for the -- the other structures in the adjoining areas or across the street.

So I think that under these circumstances, I -- I would tend to find that all of these criteria have been met by the evidence submitted, and I have heard -- I've heard no substantially weighty evidence that -- that conclusively rebuts that evidence to my mind. And I'm of a mind to likely grant this variance request.

UNIDENTIFIED FEMALE: Can't hear you.

ERICK MEAD: I'm of a mind to grant the variance request on these criteria because I think that they have all been met. And I think we need to respect the -- the nature, the unique nature, of the district and -- and keep those idiocratic things that are in the district that are consistent with its character as much as we can or we will lose it

entirely. That's my view.

With that said, is there any other points or any response to that or any other comments that any other board member wish to make? Hearing none, that will close our deliberations.

Do I have a motion or is there anything else we need to take up, staff, before we undertake a motion?

ADRIANNE WALKER: No.

ERICK MEAD: Madam counsel, is there anything else that we need to accomplish here for purposes of our quasi judicial hearing that we have overlooked?

KIA GOLDSMITH: Nothing else. Thank you, Mr. Chairman.

ERICK MEAD: Thank you. With that, I'll entertain any motion.

YURI RAMOS: I think Ms. Courtney had a comment.

ERICK MEAD: Yes. Ms. Courtney.

LOU COURTNEY: Just --

ERICK MEAD: Yes.

LOU COURTNEY: -- was there any determination about one side versus another or is it just a blanket you get the variance or you don't get

the variance?

ERICK MEAD: I believe I understood counsel to say that you take it as it's presented, and we have to make --

LOU COURTNEY: Okay.

ERICK MEAD: -- a decision on it.

LOU COURTNEY: Okay. Yeah. Because he would have to -- okay. Okay.

ERICK MEAD: Again, I'll tender it for a motion. Hearing none, I will move to approve.

YURI RAMOS: Mr. Chairman, I'll second that motion.

ERICK MEAD: We have a motion and a second. Is there any discussion on the motion before we vote? Seeing none, I'll call the vote. All in favor of the motion say aye.

(All said aye.)

ERICK MEAD: All oppose say nay.

DAVID DEL GALLO: Nay.

ERICK MEAD: All right. That is a vote of four to one in favor of the motion. The motion passes. And the variance, I believe, is granted.

ADRIANNE WALKER: Correct.

ERICK MEAD: Madam secretary, what is the next item on our agenda? And we've been going for a

while here, would it be an appropriate time to take a small comfort break? For all concerned? I think it would be. Time to change.

ADRIANNE WALKER: We don't typically, but you are chair, so that's up to you.

ERICK MEAD: I'm going to make the -- make the determination. We'll take a five-minute comfort break and go on.

(A brief recess was taken.)

ERICK MEAD: The board will come to order again. If you'll please take your seats. Madam secretary, what is next on our agenda?

ADRIANNE WALKER: Thank you, Mr. Chair. The next item is 627 East Government Street, Pensacola Historic District, Zone HC-1, City Council District 6. This is demolition of a noncontributing structure. Brian Spencer is seeking approval to demolish a noncontributing structure to allow for the development of a multi-family residential structure. The 6,966-square foot structure was built in 1981 and does not require replacement plans to be provided, but the next agenda item is a conceptual review of the proposed multi-family residential development. We have our applicant present, and with that, I will turn it over to you, Mr. Chair.

ERICK MEAD: Thank you. Will the applicant please come forward and present your application, and again, please give us your name and address.

BRIAN SPENCER: Thank you, Mr. Chair. Members of the ARB, my name is Brian Spencer. I currently reside at 4040 Dunwoody Drive, Pensacola, Florida, and my office -- I work at SMP Architecture, 205 East Intendencia.

ERICK MEAD: Please, go forward.

BRIAN SPENCER: Yes. Thank you. We are proposing the removal demolition of this building located at 627 East Government Street. I would, Mr. Speaker, like Ross Pristera to offer his historic knowledge or search about this building, but after reviewing records and archives myself, I cannot find any reason that this would be classified as a contributing structure in the Seville Historic District, but I'm not an authority.

ERICK MEAD: Okay. Mr. Pristera, what can you tell us?

ROSS PRISTERA: Not much. Built in 1981. Doesn't -- it kind of matches the architecture of the district at that time, which reflects the '80s style of what a historic building in this district would most likely fit into, so. The Government Street size

is the weakest example of that. It focuses all of our effort on the Bayfront side architecturally. So losing it is not looking at just not -- looking at what's going to replace it. Anything else with that, they -- the loss of this building would not be detrimental to the district.

Also, the -- this whole block that sits on, there's no historic buildings there across the street. There's no historic buildings. I think the closest one is -- there's a few when you get on Cevallos there. So it's kind of in an island of itself surrounded by modern infill, and it's a -- it was a modern interpretation of a historic building when it was built in the '80s, so.

ERICK MEAD: All right.

ROSS PRISTERA: Not detrimental.

BRIAN SPENCER: I have no further comments.

ERICK MEAD: Okay.

BRIAN SPENCER: Unless, Mr. Chair, the board wants to ask me anything.

ERICK MEAD: Well, we will be opening it up to -- to public comment here in a minute. I see a hand in the back. So if you would just please be patient with us, we'll get to that point of the -- of the proceeding. Are there any questions for the

applicants or comments from the board?

BRIAN SPENCER: By the way, I will add this -- I -- just because Mr. Del Gallo had a comment that made me think that would be appropriate now, this building originally was built as a one-story building. The second floor was added. Its structural capability or capacity to handle any additional structure on it would likely not be possible.

DAVID DEL GALLO: Thank you.

ERICK MEAD: All right. With that understanding, no comments or questions from the board, any -- any other things from staff on the application that we should be of note? Well, I'll open it up to public comment. Sir, have you signed a speaker form?

UNIDENTIFIED MALE: (Inaudible) fill out.

ERICK MEAD: Well, if you would, please, sign the speaker form and have it delivered to the secretary, then we'll get to you in due course. I have a application -- or speaker form for Mr. Sandefur on this demolition request. Is Mr. Sandefur still here?

UNIDENTIFIED MALE: No.

ERICK MEAD: He's not. Ms. Devan Dunlap did not wish to speak on this item. Mr. Carrol wish

to speak on this item? Is he still here? He does not appear to be. Ms. Linda Webb wish to speak on this? Yes, Ms. Webb, please.

LINDA WEBB: Not at this time.

ERICK MEAD: Not at this time. All right. Let's see. Ms. Christy Emmanuel wish to speak on this topic?

CHRISTY EMMANUEL: (Inaudible).

ERICK MEAD: She will not be speaking. Very good. Mr. Rick Emmanuel indicated he wished to speak on this topic.

RICK EMMANUEL: (Inaudible).

ERICK MEAD: No. All right. Mr. Magie did not wish to speak on that. Ms. -- Mr. Fluegge wish to speak on --

STEPHEN FLUEGGE: Yeah. I'd like to say, just --

ERICK MEAD: And again, for the record, your name --

STEPHEN FLUEGGE: Yeah.

ERICK MEAD: -- address.

STEPHEN FLUEGGE: I'm Steve Fluegge. I live at 555 East Government. As I stated earlier, my family's been here since 1968. That building -- to agree with Brian on this point, that building was

there a lot -- he stated it was built in 1981. It was built long before that. It was remodeled in 1981. It was originally Hart Reality, and that's about all I have to say about that. I don't know what code is on making a structure historical as far as its age goes, but I know that it was here at -- at least by -- in 1968, so. That's all I have to say about that.

ERICK MEAD: I mean, for the record, I mean, it's my understanding that the -- those criterias set out by the secretary of the interior and the criteria for the district in question, and in some cases for specific structures, but usually, it's just for the district, and it's not a contributing structure to the district, so.

ADRIANNE WALKER: Yeah, that's correct. During the time of the survey, it was deemed noncontributing. Usually 50 years old is a baseline which some of these structures weren't 50 years old when the surveys were done, but. But for all intents and purposes, this is noncontributing.

ROSS PRISTERA: It's --

ERICK MEAD: Yes. Mr. Pristera.

ROSS PRISTERA: So the first floor was built at a later -- or earlier than '81, but it didn't meet the 50-year mark then, but it would be 50 years

now. I'm basing it off of and what the interior would say is the most -- most significant renovation which was '81. So it feels resurveyed, even though the base would be older. I would say the whole building in general is '81 because that's what you're seeing.

ERICK MEAD: Thank you for that. The next speaker I have is Ms. Lina Stephens on the demolition.

LINA STEPHENS: No. Thank you.

ERICK MEAD: She's not going to speak. Mr. Kevin Stephens on this item.

KEVIN STEPHENS: Not at this time.

ERICK MEAD: Not at this time. Mr. -- Mr. Stephen Preisser wish to speak? Is he not here? Okay. And Ms. Tracey Preisser is also not here. Ms. Tanner.

KATHY TANNER: I would like to speak.

ERICK MEAD: Yes, please, Ms. Tanner, come to the microphone again and state your name and address for the record.

KATHY TANNER: Hi. I'm Kathy Tanner, 421 East Zarragossa, Tanner Reality of Northwest Florida. And you are an architectural review board, preservationist, and I'm looking at your architectural review board agenda here, and I see that 627 East Government Street wants a demolition. And then I'm

seeing that 500 Bayou Boulevard which is a historic structure will probably pass and get a demolition.

Well, I know that there's a man named Ducky Johnson, and he can pick that up, and I know that, that house at 500 Bayou Boulevard is like a steamboat house. So why don't we just kill a bird -- just take this one down and bring 500 over, and that's my food for thought for you guys. You are a preservation board. And let's save 500 Bayou Boulevard that so many of us love.

ERICK MEAD: If I could wave a wand, but. All right. So Mr. Sallis. And needless to say, the former rules do not apply in this setting, so.

SCOTT SALLIS: Yeah. Mr. Chairman, board members, I'm -- I'm here today because I was told that I also had originally written a letter, and I was told that that could not be considered in quasi judicial, which I thought was all of the items. So thank you for clearing them for that, and that's why I'm signed up for here.

So I will simply just use this opportunity to go on record and say that because of the variance and because of the proposed design, I support the demolition of the building, and many times where I have presented to the board before, demolition could

not be considered unless a vision was cast. So I'm grateful that you have all of that, and in light of all of that, I support demolition of this building.

ERICK MEAD: Thank you, sir. My last speaker, I believe, it's -- is it Robby Yawd?

ROBBY YAWD: Yawd.

ERICK MEAD: Yawd. Mr. Yawd, please come forward, give us your full name, and address for the record.

ROBBY YAWD: Robby Yawd, 618 East Government Street.

ERICK MEAD: Now, sir, what would you like to say?

ROBBY YAWD: I would like to know if a -- an asbestos survey has been done on this building.

ERICK MEAD: I -- I don't know that we have that information.

ROBBY YAWD: Well --

ERICK MEAD: Do we have that information, staff?

ADRIANNE WALKER: No. That information was not provided to us.

ERICK MEAD: Is that --

ROBBY YAWD: I think it needs to be provided before we go to demolition.

ERICK MEAD: It -- is that something within the purview of this board or is that something that is handled by building inspection?

ADRIANNE WALKER: That's correct. This is -- that's not under the purview of the ARB. That would be something that would be dealt with, with permitting and inspections.

DAVID DEL GALLO: It's typically required by permitting to have one done.

ROBBY YAWD: Well, let me ask the architect for the project. What -- Brian, has a -- as a ---has an asbestos survey been done on the building?

BRIAN SPENCER: No (inaudible) required (inaudible) demolished and developed many (inaudible).

ROBBY YAWD: I understand that. I just want to know if it's been done.

BRIAN SPENCER: Not to my knowledge. It would be absolutely (inaudible). I bought several buildings. Asbestos removal is a highly regulated process in demolition (inaudible).

ROBBY YAWD: Also, I was wondering if a tree survey has been done.

ERICK MEAD: A lot of it -- I mean, is that something that is required for the demolition? Or is that something that is for a building permit?

ADRIANNE WALKER: For -- in terms of demolition, the -- whoever chooses to demolish it, if approved, will have to coordinate with the city arborist to make sure that any protected trees or any trees that need to be properly mitigated will be, and that is all part of the permitting process, but not necessarily to the purview of this board.

ROBBY YAWD: Okay. Thank you.

ERICK MEAD: I -- that's the last speaker we have. I do have a question for the applicant, since I have -- since we have him here. One of those trees is a fruit tree on the very point of the -- of the property on the 9th Avenue side. It appears to be a Jujube, which you don't see many of those running around here. Is that -- is that tree going to be saved or is it going to be taken out?

BRIAN SPENCER: On the site plan that was presented today, shows that it remains. And by the way, it's a delicious nontoxic fruit. I tasted it the other day.

ERICK MEAD: All right. Any other comments or questions from the board on the demolition? Seeing none, do we have a motion?

DAVID DEL GALLO: I make a motion it be approved.

ERICK MEAD: We have a motion.

YURI RAMOS: Second.

ERICK MEAD: Do we have a second? A motion and a second. Any other comment or questions? Move to vote. All in favor say aye.

(All said aye.)

ERICK MEAD: Opposed say nay. Hearing none, it passes unanimously. Next item, madam secretary.

ADRIANNE WALKER: Thank you, Mr. Chair. The next item is 627 East Government Street. This is Pensacola Historic District, Zone HC-1, City Council District 6. This is a new multi-family residential construction. Brian Spencer is seeking conceptual approval for a new multi-family residential structure. Proposed a first floor parking beneath second and third floor residential space composed of 10 units. We have Mr. Spencer present, and with that, I will turn it over to you, Mr. Chair.

ERICK MEAD: Thank you, madam secretary. Mr. Spencer, give us your full name again, address for this portion of the record.

BRIAN SPENCER: Yes. And in honor of my father, I will add my middle name. Brian Kenneth Spencer. I reside at 4040 Dunwoody, Pensacola,

Florida. And work at the offices of SMP Architecture located at 205 East Intendencia.

ERICK MEAD: And please give us your presentation.

BRIAN SPENCER: Thank you. Mr. Chair, members of the ARB, I am proud to present today a proposed new build project that would provide -- that will provide and -- and meet the stay within the density of number of dwelling units permitted or permissible on a property of this size. The density is allowed due to additional two units because of what is called green architecture, meaning there are -- you are using energy saving materials. The building department reviews that for proper energy saving measures, energy saving appliances, et cetera, but I just want to make sure everyone knows that we have had staff -- I've had staff meetings with city planning and with -- we had a one-stop meeting as well. So all department heads have participated in reviewing this project to assure that no additional exceptions, variances, et cetera, are necessary.

As I stated earlier, one of the voids we have in our -- in our area downtown which is becoming -- has become, not is becoming, a very popular and desirable location for people to be able

to reside whether it be a primary home or a secondary home. I know that, for instance, I think this is relevant, Brent Lofts has units similar to this size in that restored building. There's an entire floor that is strictly -- it's not short-term rental, and it is -- it has sold all of the units. People, for instance, that are executives or live in Beulah that work at Navy Federal that want to be able to have a second home downtown, they have chosen to do so, but there are also people that -- that -- again, that live at Brent Lofts. There are people that want to be able to live downtown in this walkable, mixed use neighborhood, and this project is providing 10 residences. And as you know, the -- the design guidelines, this particular parcel unlike some of them in the district, this is not considered the brick structure district or a site specific for brick structures but is the Wood Cottage District. And the vernacular was designed to -- to match the -- the ARB's and the LDC design guidelines for such.

Adrianne, I think we have some renders -- renderings that have this with the drone topography showing there -- there. There. So that is actual.

The neighborhood, as you see it, Mr. and Mrs. Stephens' second residence is there, the white

one that SMP Architecture designed, and this provides one of the -- I think the best aerials and perspectives of how this project sits in the neighborhood. So I -- it meets all of the -- in terms of life safety code, egress to means of egress. As you saw, there's an interior stairwell, an exterior one with an elevator, and I want to make this comment, as we all are aging, many of us, many of us are aging.

UNIDENTIFIED FEMALE: Some of us are not.

BRIAN SPENCER: Right. Thanks. As I'm 68, but many people prefer to have single level living. These are what some people in the real estate industry would call flats while townhomes could be done here. I think Ms. Kathy Tanner, who sells real estate, knows that there's only a certain sector of -- in terms of demographics that feel comfortable living on one, two or three levels.

KATHY TANNER: (Inaudible) elevator.

BRIAN SPENCER: Right. So this provides for people to live in their residence on one level using an elevator to get there. The -- some of the -- again, the vernacular stays true to the intent of the Seville Historic District design guidelines using lap siding, wood trim, brick base, and since this drawing was done, thanks to the comments from the Seville

Square Neighborhood Association, a second drive has been eliminated on the east side, and a single west drive exists allowing for much more landscaping including the incorporation of the grasscrete.

And of course, the -- the balcony language, I know that Kevin and Lina Stephens prefer a much more contemporary look, so. And in the SSD, they are able to have that design latitude. This parcel does not allow that. So there are intentionally trial balconies with wood columns instead of steel supported cantilevered balconies and such. We do have some further modifications that if we make it through conceptual, then certainly I hope that I'll be able to show you different roof forms that we have been including a hip roof, but for today's conceptual, I'm hoping that you all -- that I can answer all of your questions.

ERICK MEAD: All right. I would have a question for staff. What are our review criteria for the conceptual design in the historic district? We've spoken a good bit about that part of it. But we are in the -- this is historic district for some of the design features that we would be looking at. What are the criteria for this review?

ADRIANNE WALKER: For conceptual review,

you're looking at massing and scale is a complimentary to the streetscape. For conceptual, it could be far less detailed than what you're seeing. He didn't necessarily call out materials which isn't required for conceptual. There will be some, you know, material considerations, though, being new construction, you can use hardy, you can use clad windows, and things like that, so it's really just massing and scale and does it fit the character of the district in the area.

ERICK MEAD: Very good. Thank you. I'll open it up to comments or questions from the board.

YURI RAMOS: Mr. Chairman, if I may.

ERICK MEAD: Please.

YURI RAMOS: Mr. Spencer, brief -- you know, the previous agenda items we talked about the garage doors. On your rendering, there seems to be sort of a security grade kind of thing, and then in the package --

BRIAN SPENCER: Right.

YURI RAMOS: -- that we're reviewing now, there's a, you know, more trial residential garage door.

BRIAN SPENCER: And I believe -- intentionally, yes, and we had done some renderings,

Mr. Ramos.

YURI RAMOS: Just so I -- my -- my main concern with it is that I don't -- I don't think that having the -- and I know that in the governmental district there are some townhomes that have those garage doors that are right up to the sidewalk, but in this district, I think we kind of shy away from that, and I'm wondering if your team has thought of any other way to maintain your parking, which I think is a -- a bonus; right? Without having the actual garage doors there.

BRIAN SPENCER: We have, and we even started the project with a -- an intent with a very open air, and then I canvassed some people, and people that I respect, and they felt that instead of the open air sort of Pensacola Beach look that a higher end carriage house door that is -- evokes a wood type finish and does everything to minimize what are the up -- what are upward acting sectional doors, that's kind of the industry term, where you see the seams running horizontally. So we looked for a quite expensive door that would -- what we feel would be appropriate for, especially down at the -- this portion of Seville, and again, at the end of the dead end street.

YURI RAMOS: Is that the doors at the last page of the package that --

BRIAN SPENCER: Yeah.

YURI RAMOS: -- you're talking about?

BRIAN SPENCER: Yes.

YURI RAMOS: One is the wider, the --

BRIAN SPENCER: It's -- you know --

YURI RAMOS: -- on the fence.

BRIAN SPENCER: -- we don't know where -- right now in conceptual review, I will say this. The white one has much more pleasing, what we think, window pane proportions. Those window panes are vertical as opposed to the brown stained one with the horizontal glass pane. Typically, a vertical window pane is more historical than horizontal, so. Wood stain versus color, yet to be determined, Scott, but definitely the style of the one on the bottom. The -- yeah.

YURI RAMOS: Sorry, I didn't mean to interrupt.

ERICK MEAD: That's all right.

YURI RAMOS: Mr. Chair, if I may ask one more question of staff.

ERICK MEAD: Please.

YURI RAMOS: What -- could you please

clarify, Ms. Adrianne, could you -- Ms. Walker, could you please clarify the parking requirement for this -- this district for residential use?

ADRIANNE WALKER: So for this particular development, it's one unit -- one space per unit is the requirement for the development.

YURI RAMOS: Within the property?

ADRIANNE WALKER: Within this property.

YURI RAMOS: Okay.

ADRIANNE WALKER: Yeah. For the development that he's proposing.

ERICK MEAD: Yes, Mr. --

SCOTT FISHER: Are there additional curb cuts being done for this?

BRIAN SPENCER: It would be -- I would have to -- Brad Hinote, and I -- we have met, and it could be a -- what is considered a road curb that has instead of the aprons that's yet to be determined, but there's not actually a hard vertical curb there currently.

SCOTT FISHER: Did you consider --

BRIAN SPENCER: But Baylen Lofts, we -- we have the a --

SCOTT FISHER: Trying to come --

BRIAN SPENCER: The apron.

SCOTT FISHER: -- west side with --

BRIAN SPENCER: Yeah.

SCOTT FISHER: You know, with the --

BRIAN SPENCER: Yeah. The building footprint doesn't allow for the turnarounds and the --

SCOTT FISHER: It's really close to the --

BRIAN SPENCER: The double aisle.

SCOTT FISHER: To the sidewalk as far as walking by (inaudible).

BRIAN SPENCER: The -- it's the same condition does exist in many other parts of the city.

ERICK MEAD: Any other questions or comments from the board?

BRIAN SPENCER: Scott, I'll just add, there are ADA requirements that disallow any curb cuts that would not meet ADA for walking on the sidewalk. That would have to be respected.

ERICK MEAD: If the other board members have no further comments, I have a couple of things. One, I do echo that in the final submission, I think, something is going to really suitably fit the garage door profiles to what you're aiming for -- for a historically inspired new construction, I think would be appropriate. I think there's a number of different ways to do it. But it's going to be such a prominent

feature on that facade that I think it's a really important element, and I -- I applaud you for looking beyond sort of the off-the-shelf approaches, but I think it's going to be an important factor, at least, for me, in terms of the final design. I also appreciate the masonry base which is taking a page from the existing structure which was historical and an inspiration as well, and I think that helps a lot. I think that the -- the cantilevered elements are also consistent with, you know, a historical inspiration in that fit.

That said, there's some of the details, particularly the roof, I -- the blind -- the blind dormers, gable dormers, I don't think worked for this. And I think somebody said something about Residence Inn, and I think that is exactly -- that's kind of the -- that's the sensibility.

BRIAN SPENCER: They said Motel 6.

ERICK MEAD: Well, Residence Inn. I thought we heard -- I tend to echo that sentiment --

BRIAN SPENCER: We have an entirely new roof form that -- to present.

ERICK MEAD: And I understand this is for conceptual review --

BRIAN SPENCER: Yeah.

ERICK MEAD: -- which is why I wanted to make sure we clarified with staff for everybody's consideration about what we're looking at, and the comments are directed to hopefully a suitable final design as opposed to what we're looking at for here, but I thought it was useful.

The other point that I think would be useful is that -- the tower element on the -- on that end, I think this is purely stylistic, but it could be a defining feature, and it would help to anchor the whole building, I think, visually and provide something that I think would, you know, could potentially be something that the -- the neighborhood would be proud of as an iconic element at that -- that, that kind of defining point of the -- of Government Street, and I think a lot -- some attention should be given to -- to making that something more of a feature because right now it just kind of sits there plugged into the building and under the roof line.

You know, there's some other details that I have some critiques about, particularly, on the -- the Government Street facade, I think, that could bear some work to give them a little more affect and a little more historical inspiration or -- or echos, if you will, to make them more fitting. It's not

unpleasing as it is as I just -- I just don't know that it's -- you -- I don't want to get into too much of a postmodern interpretation, in my view, because I think that detracts from -- from the overall impact of it on the neighborhood and to the -- to the visual appeal of this end because it's going to be prominently seen from both sides --

BRIAN SPENCER: Uh-huh.

ERICK MEAD: -- either from 9th or from -- or from Bayfront, and it's just -- a lot of attention and detail needs to go into those -- those major stylistic elements that I just don't see in this -- it's a little too plain Jane from that standpoint, and some of the elements, I think, don't fit. The blind dormers being chief among them. They just -- they just don't meet, so.

BRIAN SPENCER: I wish I would have brought the -- we've completed all of the --

ERICK MEAD: It's not final review. I'm just --

BRIAN SPENCER: Yeah.

ERICK MEAD: I just make my comments. Anyway, that's -- those are my thoughts. Ross, did you have anything else?

ROSS PRISTERA: Just looking at the

rendering, I see the -- the power poles, are those going to play any issue in the --

BRIAN SPENCER: No. They'll have to be -- at our cost, though, those will have to go underground. Maybe that will -- the neighborhood might be slightly pleased with seeing those lines removed. Yeah. I had to do that with Baylen Lofts. I had to pay for under grounding all of the lines that ran in front of the entire east facade.

ERICK MEAD: All right. I have no further comments. We have public speakers, if that's -- if you have nothing else.

BRIAN SPENCER: I don't.

ERICK MEAD: All right. I think we determined Mr. Sandefur was not here. Still the case. Ms. Dunlap is not here. Mr. Carrol is also, again, not here. Ms. Webb.

BRIAN SPENCER: Thank you. And if I need to be invited back up, I --

ERICK MEAD: Thank you, sir. Ms. Webb, again, for the record your name and address and please give us your -- your thoughts.

LINDA WEBB: I'm Linda Webb. I reside at 206 South Florida Blanca. I've lived there over 35 years. In summary, I believe this project's not

suitable for the lot. It alters the historic character of the 600 block of Government Street. As was said earlier, this block is not really historic, but it does have a character, and I believe this project will alter that character. Again, we're not talking about setbacks because that's already been taken care of.

As you notice, in this particular view, there are parking places on Government Street, and the garage opens right into where that parking spaces are. Just FYI. It proposes density that's inconsistent with our district standards, so that's another reason I disagree with it.

And I want to remind the board again of the new Bayfront project and a new 5 to 6-foot sidewalk will be on the north side of Bayfront Parkway running right up against the project. So the green space on Bayfront will not be there. It'll be a sidewalk. So thank you.

ERICK MEAD: Thank you, ma'am. Christy Emmanuel. You decline. Mr. Emmanuel, your name and address for the record and please give us your thoughts.

RICK EMMANUEL: I guess I can say good evening now. Rick Emmanuel. I live at 313 South

Florida Blanca Street, and I appreciate you letting me speak again. I believe that 10 units on this small site will lead to overcrowding and increased traffic on a dead end street. It is out of character with our neighborhood. I understand you all are saying that only one parking space is required per these units, but the reality is, there's going to be two cars per unit. There's going to be guests there. There's going to be other people there, and we are going to have crowding.

Now, maybe you're not concerned about the street parking, but the solution is to reduce this project from 10 units to five units or something similar that would be more compatible with what's immediately across the street and what's down the street and throughout the rest of the neighborhood.

I'm concerned about the safety. I'm concerned about the sidewalk being right next to the garage doors, and yes, I do walk that neighborhood, and yes, sometimes I do have to get in the street because I've got to get around cars that are blocking driveways and other things, but we need to keep an eye on what is safety and what is proper and how do we want to make this a better city and not just saying, well, let's just do it because we can do it, so.

Thank you.

ERICK MEAD: Thank you, sir. I have one for Mr. Rod Magie. Is he -- Mr. Magie.

RODERIC MAGIE: I'm Rod Magie, 609 Crown Cove. Mr. Spencer -- Brian -- I consider a friend is dealing with the character of this neighborhood which is Item 11 that deals with conceptual criteria, and I think one of you define that as whether it fits the character of the neighborhood. Because Brian is such an efficient architect and knows all the rules, legally, he's been able to efficiently squeeze 10 families into one, basically, residential lot. That's fine, but it doesn't get to the point that we're all here about primarily which is too much parking, too much parking there. There's going to be many cars in and out all day long and overnight making that street impossible to enjoy as it has been. If this was not a -- if this was taking by a governmental unit and not Mr. Spencer, there'd be considerations of inverse condemnation. I urge you to reject this concept in its entirety and ask him to come back with something that will require less traffic.

ERICK MEAD: Thank you, sir. I have a sheet for Mr. Fluegge. Does -- is he still with us or has he departed? Mr. Fluegge has left. Ms. Lina

Stephens, I think she had left. No? Okay. Ms. -- she declines. Mr. Kevin Stephens, please come up, Mr. Stephens.

KEVIN STEPHENS: Kevin Stephens, 603, 605, 607 Crown Cove, East Government. So just to kind of echo what my other neighbors have said about, you know, the issue with the project, I don't think never was the esthetics with the -- because it's a -- it's not a bad-looking project at all. Brian did a good job at drawing it. It's the density. We've got issues with density. Ten -- you know, again, you know, beating the proverbial dead horse, it's like packing 10 pounds of potatoes in a 5-pound sack and having 10 -- 10 units with only 10 parking spots, again, in the county, we could never build this. We'd have to have two minimal.

A concern, again, like my neighbors with the garages, as some of you members have alluded to with the front-facing garages, we've got children going back and forth on bicycles, this or that. So I'm a little concerned. There may be other parts -- I'm downtown quite a bit. I work downtown, so. I know there's other parts of Downtown Pensacola that have front-facing garages, but just not here. None of them are down here.

So again, I would just ask the board -- I'm typically sitting in your all's position and have the honor and privilege serving many citizens of Escambia County myself, serving on the board. So I certainly weigh, you know, rules and regulations and what you can and can't do with, you know, what's -- what's best for the community and what the -- and what's best for the public. So that's got to be weighed in somehow, someway. So just -- you know, and I'm sure that's not the case, but we come in here. We listen to, you know, the pros and the cons, and it just seems like a lot of decisions were made, you know, prior to coming in here, and I'm certainly not -- you know, I'm certainly not saying that they were, but just a -- it's just a feeling that -- that the lack of -- and again, I'm not -- I'm not making any accusations or anything like that, it -- but it just -- it seems like there's a lack of deference to the individuals who are living there every single day, right across the street, right next door. So it just seems -- you know, again, I -- and that may just be a feeling. I'm sure it's not, you know, what your intent is or what you're implying, and there's nothing that you've said. It's just that the individuals back here on the Crown Cove Subdivision, East Government Street area are

just -- are feeling like, wow, this is -- this is -- this is moving quickly. There's -- there's very little pushback, and it's just kind of rolling through really quick. So just -- it's a shock for us, knowing that we -- we -- undoubtedly, this will create a major impact on parking, traffic, people, as we've already covered, at a dead end street, and it just -- again, just not -- you know, townhomes there, several units, four or five units, something along those lines, more conducive with what we have there. I don't think there will be any pushback. I don't think there will be any type of argument whatsoever. People should do what they want to do with their property. I just think that people that are living there, they're going to be affected by this. They're going to be there every single day, should be taken into consideration, and I know you all are. And I'm -- I don't mean to infer or imply that you're not, but. It just seems that, you know, sitting back here in the audience and listening to this and listening to the -- you know, the back and forth, it's like, are you hearing us? Are you hearing the -- the residents that are living here being impacted by this?

So for us, this is not a business project and I, too, have to take that into consideration when

I'm building buildings and how it's going to affect people and I, too, have had to scale back some -- several projects of mine because individuals didn't want three-story apartment buildings looking in their backyard, and I was zoned for it, I was approved for it, but again, there was -- there's certain things that are more important than -- than money and building more -- more projects.

So anyway, thank you for your time. I just wish you would just please consider the human factor, and I know you all are. And the individuals that are living there mostly impacted by this, and thank you.

ERICK MEAD: Thank you, sir.

ADRIANNE WALKER: Mr. Chair, if I may.

ERICK MEAD: Yes.

ADRIANNE WALKER: I misspoke about something, and I want to correct that.

ERICK MEAD: Yes.

ADRIANNE WALKER: Typically, we do have parking requirements of certain number of spaces per unit, but there is a code provision, 12, 3, 10 East 7, triple I, stating that off street parking is not required in HC-1 or HC-2. So technically, this development doesn't require parking at all for its residents, but it has been incorporated. I just want

to clarify that. I apologize I misspoke.

ERICK MEAD: Thank you.

ADRIANNE WALKER: Uh-huh.

ERICK MEAD: It's an important clarification.

SCOTT FISHER: I have a question on that. That's -- that's not really our purview, though; is it? Parking --

ADRIANNE WALKER: Typically, off street or on street parking would not be. On street being in city right-of-way, but the esthetic of the parking within a parcel in the district would be under your purview, and there is a code section, particularly, for this district about driveway materials, parking materials, you know. So from an esthetic standpoint, yes.

ERICK MEAD: All right. Mr. Preisser, Stephen Preisser. He's departed. He's not here. Likewise, Ms. Preisser. Also not here. Ms. Tanner, did you --

KATHY TANNER: I have something to say.

ERICK MEAD: Okay. Please come up, Ms. Tanner.

KATHY TANNER: So I do have something to say about parking. You are correct. But there is a

special kind of thing going on Zarragossa where Terry Levin has two parking places for her house that she bought with no off street parking. And it's recorded at a pretty high number, and there are signs there.

So it's changing down there whether you all are noticing or not. It's similar to right across from Brother Fox, and they have some of those on, I think; is it Davis Street? They have -- so parking and little signs are becoming very different down there, and it's getting a little cluttered. This really is very similar to Residence Inn wing. I'm a hotel and restaurant graduate. Brian has worked in the same -- has owned partnership in the same hotel. My husband worked with for 35 years, so I do -- when I look at an extended stay, I get it. I don't think of this as affordable housing. I think of this as an Airbnb or a -- extended stay, which we like extended stays. We have Airbnbs downtown. But it's too homogenized, and it's too commercial, and when I first saw it, I wondered if it was even going to have vinyl siding like down the street. But it's not, and we know better. But that was my first thought, is this going to have vinyl siding, and then I went, oh, no, it can't. It's in the Wooden Cottage District. So then I looked at Kevin Stephens' house and his wife's,

and it's very contemporary, and it's beautiful, and Brian designed it, and then I'm looking -- I'm going, well, what's Brian doing here? Brian, I just want to talk to you about it. Because I think he did Ruth Ohr's house, and Ruth Ohr's house is also in the Wooden Cottage District. And they co-merged a contemporary look with the wooden cottage. Broke a little rules maybe, but we all kind of embraced it because we kind of like Ruth very much, and Mr. Harper, and that is right down the street in the Wooden Cottage District on Zarragossa Street, right next to Lois Benson's. So I see this homogenized Residence Inn wing or even something that looks like a Homewood Suites, and I'm going, what in the world is this? And this is Brian Spencer. He is our award winning architect. And I would like to see a better product on this property because we are going to lose our trees on the Bayfront. It doesn't matter that they were Project Green Shored trees for the habitat. The bluff line is superseding that, and the FDOT has already designed a horrendous Bayfront Parkway, and this is all correlating. And, so this particular building is going to have a full waterfront view. Needs to be nicer. Brian, I think you need to do a better job.

ERICK MEAD: Thank you, ma'am. Next is Mr. Scott Sallis.

SCOTT SALLIS: Mr. Chairman, board members, thanks for hearing me again. I want to clarify. I know a lot of people may miss -- misinterpret why I'm here. I'm not here because Brian asked me to be here. I'm here as a -- as a city maker and as a neighbor and as someone who stands before you regularly, and I was here not long ago with a single family residence across the street, and the neighbors united and spoke against it, and they didn't support that project, and now it's -- largely, because my client wouldn't heed my advice about a variance. And, so we were standing before you with a variance that probably didn't prove hardship, and it was denied.

But what I want to remind this board is the mini project -- it is hard to make a great city. I was very, very moved this morning when I read the paper and saw that we were a number one coastal city. That's why I come to work every day to try to make this city better one building at a time, and it is challenging. It -- you try not to -- you've got to recognize that with all the decisions we make, we cannot make everyone happy, and we try to not make anyone mad, and I would like for you to support this

project just as an architect, as a city maker, because I believe in fighting for what people can do on properties, and this design -- I don't know if I agree with all of its aspects. I heard someone say it's not compliant with the Wood Cottage District regulations. If it's not, I'm missing that. I -- to me, I want to encourage you to support this project because it's compliant. It's -- you've passed the variance. That was a key thing.

So with that variance in hand, this project is well within any property owner's rights who owns this odd-shaped, uniquely-located piece of property to be developed, and somebody can develop something far worse than what is proposed. And I am just grateful that's not this story.

And, so I want to encourage you to support this project because from what I understand, and I haven't studied it to death, but it is compliant. And your -- your task is to check esthetics, make sure it's compliant, and hopefully, support the project. And I appreciate you hearing me out. Thanks.

ERICK MEAD: Thank you. That's all of our speakers. Are there any other comments or questions the board has? Before we entertain a motion? I have a couple of comments.

DAVID DEL GALLO: I would just like maybe you to mention to those that spoke, you know, it's not up to the ARB to determine how many units Brian can put in that building. It's -- he's got to meet the rules and regulations, since he's been approved on the previous two items, so. We're just looking at the architectural aspect of that project, so.

ERICK MEAD: Oh. Thank you. My comments to -- to close, and I don't want to belabor it because we are here somewhat late, and I think it -- my inclination is to confine our approval to the massing and overall configurations, the cantilevers, and all that. I would accept probably the roof line because I -- I don't think it's compatible for a number of reasons. I think many of which have been said. I would also accept for a number of reasons the design of the garage doors and their configuration with respect to the public pedestrian walkway and that deconfliction for two reasons. One, just that element of the design because you've already given yourself some room, perhaps, even for some partial outswing or bifold that could help alleviate pedestrian notice that the garage is open, and they need to be aware of that for purposes of vehicle access which would be a signal to the pedestrian. That's one suggestion I

have. For some design choices, there's a number of things you might consider.

The other consideration is we have been very -- we have been very concerned about front-facing garage doors that look like garage doors on Government Street and other properties, and I remember some discussions we've had on other parcels about that, and in fairness, we need to be very attentive to the configuration of those garage doors, and if they don't look like garage doors, I think so much the better. If they look like structural elements of -- of it that are not screaming garage door, I think that we are being more consistent with what we've done in other properties to try to keep that historical effect, which you're clearly going for in many respects.

So that's -- those are my comments and -- and I would hope to entertain a motion that would go along those lines, but I will entertain whatever you choose to make.

DAVID DEL GALLO: With the previous two items being approved, I move that we approve the project as submitted.

ERICK MEAD: I would ask that we limit the approval to the siting, the massing, and the setbacks that we have, the masonry -- the masonry podium with

under -- under parking, which I think fits, accepting the roof line, the balconies, generally, I think are appropriate. Although, the design details will matter. And then attention to the front facade to make it a little more compatible with the surrounding areas. Those are my -- the qualifications I would want to make, if that's acceptable.

DAVID DEL GALLO: Yeah. I don't have an issue with those.

ERICK MEAD: Okay. With that understanding, with those changes, is there a second to that?

LOU COURTNEY: I'll second that.

ERICK MEAD: We have a motion and a second. Is there any other discussion or questions? Hearing none, all in favor of the motion, say aye.

(All said aye.)

ERICK MEAD: All oppose say nay. Passes unanimously. And I think I get to tender the hammer.

ADRIANNE WALKER: Yes.

(Requested audio ended.)

CERTIFICATE OF REPORTER

I, Melissa J. Eicken, Registered Professional Reporter, do hereby certify that I was asked to prepare a transcript of proceedings had in the above-mentioned case, which proceedings were held with no court reporter present utilizing an open microphone system of preserving the record.

I further certify that the foregoing pages constitute a true and accurate reproduction of the proceedings as transcribed by me to the best of my ability and may include inaudible sections or misidentified speakers of said open microphone recording.

Melissa Eicken

Melissa J. Eicken, RPR

Date:_____

EXHIBIT B

City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 25-1051 | Architectural Review Board | 8/21/2025

LEGISLATIVE ACTION ITEM

SUBJECT:

627 E. Government Street
Pensacola Historic District / Zone HC-1 / City Council District 6
Variance

SUMMARY:

Brian Spencer is seeking approval to reduce the rear yard setback on Bayfront Parkway from 20' to 9' from the property line to allow a building height of 34' and to reduce the front yard setback on Government Street from 15' to 0' at the street edge. The next agenda item is demolition of the non-contributing structure, followed by conceptual review of the proposed new development.

Recommended Code Sections:
12-11-2(a)(2) Variances.
12-12-3(5)(b) Architectural Review Board, Duties.
12-3-10(1)e.1.i. Pensacola Historic District, Regulations and guidelines for any development within the historic zoning districts, Building height limit.
12-3-10(1)h.1. PHD, New construction in the historic district, Table 12-3.1 wood cottages district.

ATTACHMENTS:

1. Images
2. Variance_Application and Materials

627 E. Government Street





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) _____ **Zoning** _____

(To be Completed by Applicant)

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

Property Address: 627 E. Government St.

Current use of property: Office Building

1. Describe the requested variance(s): A variance is being requested to reduce the rear yard setback from 20' to 9' at elevated Level 2, elevated Level 3 balconies and 15' from the property line at the ground ~~level to allow a building height of 34'. A variance is being requested to reduce the front yard setback~~ from 15' from street edge to 7' at ground level and 0' at elevated Level 2, elevated Level 3

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:
The unusual trapezoid configuration of the site, combined with the Bayfront Parkway setback and Wood

Cottage setback restricts a "new" buildable footprint to 3,485 sf. Approx. 1/2 of the existing 3,350sf building footprint is WITHIN the boundaries of the prescribed buildable footprint.

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:

Adjacent and nearby property owners are rightfully "enjoying" similar variance conditions due to pre-existing non-conforming building locations.

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

The requested variances do not encroach on vehicular nor non-vehicular circulation nor request a superior position or vantage point respective to vistas and proximity to Pensacola Bay.

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

The existing building (requested to be demolished) is placed on the property with pre-existing, non-conforming conditions (setbacks) similar to what is being requested by the applicant as well as the site configuration and location at the edge of a major 'non-historic' scale highway and location at a dead end

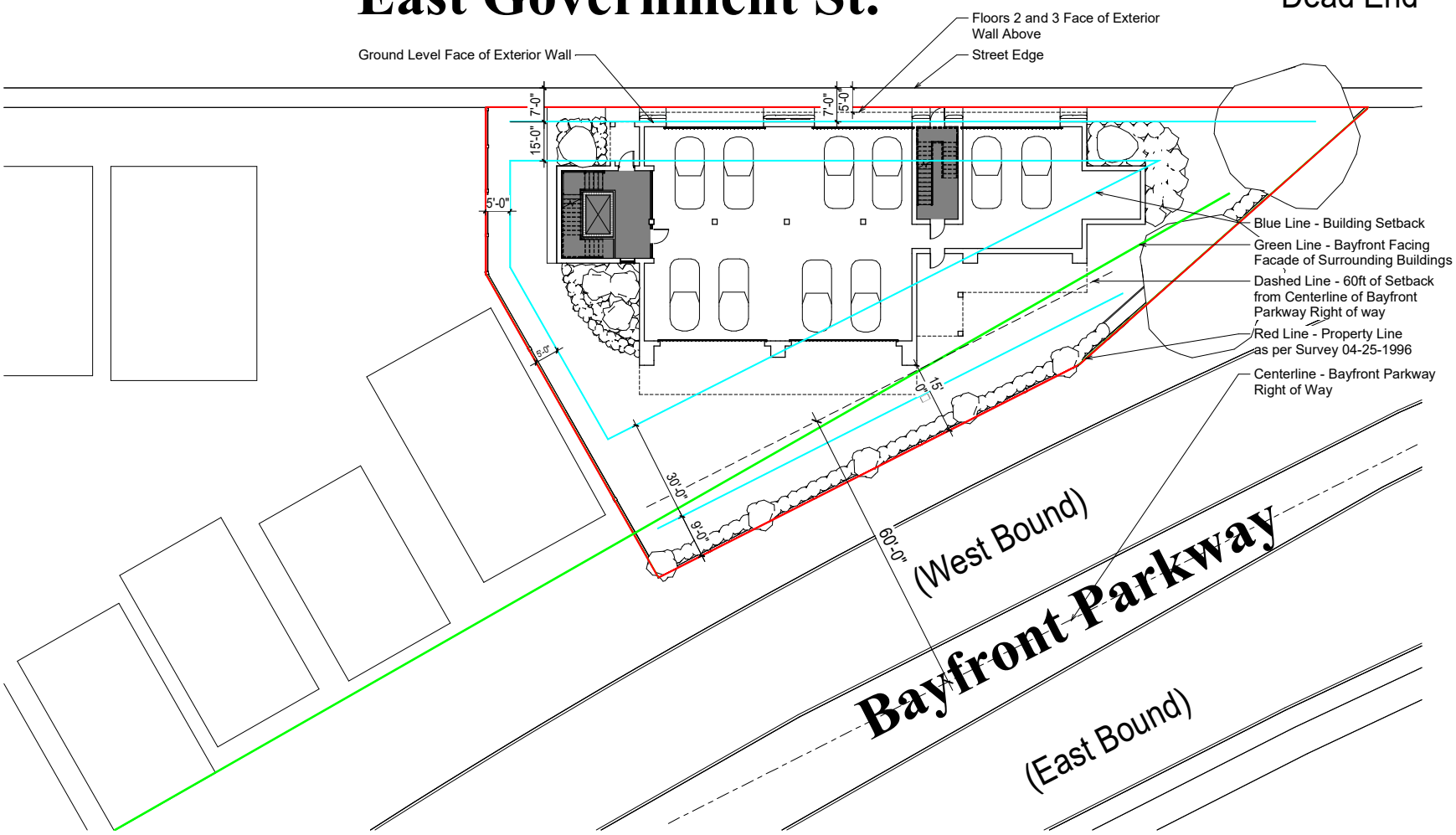
Application Date: 7/31/25

Applicant:	SMP Architecture		
Applicant's Address:	205 E. Intendencia		
Email:	Brian@smp-arch.com	Phone:	850-712-2612
Applicant's Signature:			
Property Owner:	Quarter Portions LLC		
Property Owner's Address:	627 E. Government St.		
Email:	Brian@smp-arch.com	Phone:	850-712-2612
Property Owner's Signature:	Under Contract by Brian Spencer		

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.

VARIANCE GRANTED BY THE BOARD OF ADJUSTMENT: The petitioner must secure a building permit and commence work within one hundred-eighty (180) days of the date of the granting of the variance, unless additional time is granted by the Board at that particular meeting.

JUDICIAL REVIEW OF DECISION OF THE BOARD OF ADJUSTMENT: If denied a variance by the Board, that request for a variance cannot be heard again for one year. The petitioner has thirty (30) days form the date of the meeting to appeal the decision according to Section 12-12-2 of the Land Development Code. Any person or persons, jointly or severally aggrieved by a decision of the Board may apply to the Circuit Court of the First Judicial Court of Florida. The Board, Building Inspector, or Attorney of the City of Pensacola must be notified of an appeal within five (5) days of the application being made to the Circuit Court. 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 Inspector that they have ten (10) days to remove or correct the violation.



1 C- Site Plan

A201 | A104 3/32" = 1'-0"

8' 4' 0' 8' 16'

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Seal

Consultant

No.	REVISION	DATE

Owner

TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

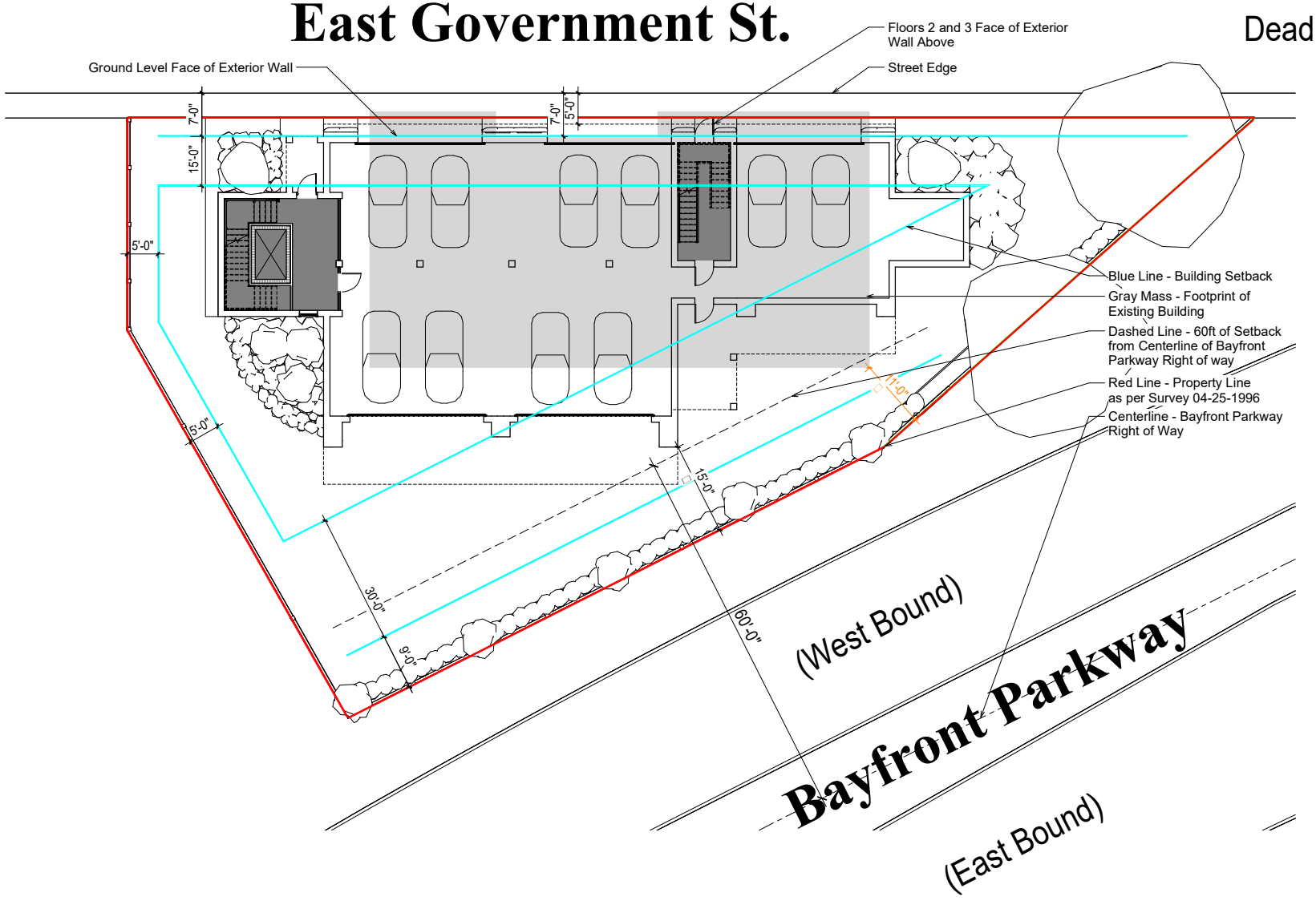
Project No. 0000

Date

Drawing Title: SITE PLAN

Drawing No. A104

DESIGN DEVELOPMENT - 07-17-2025



1 C- Set Back

A201 | A103

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8' 4' 0' 8' 16'

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No.	REVISION	DATE

Owner

TRISTAN POINTE

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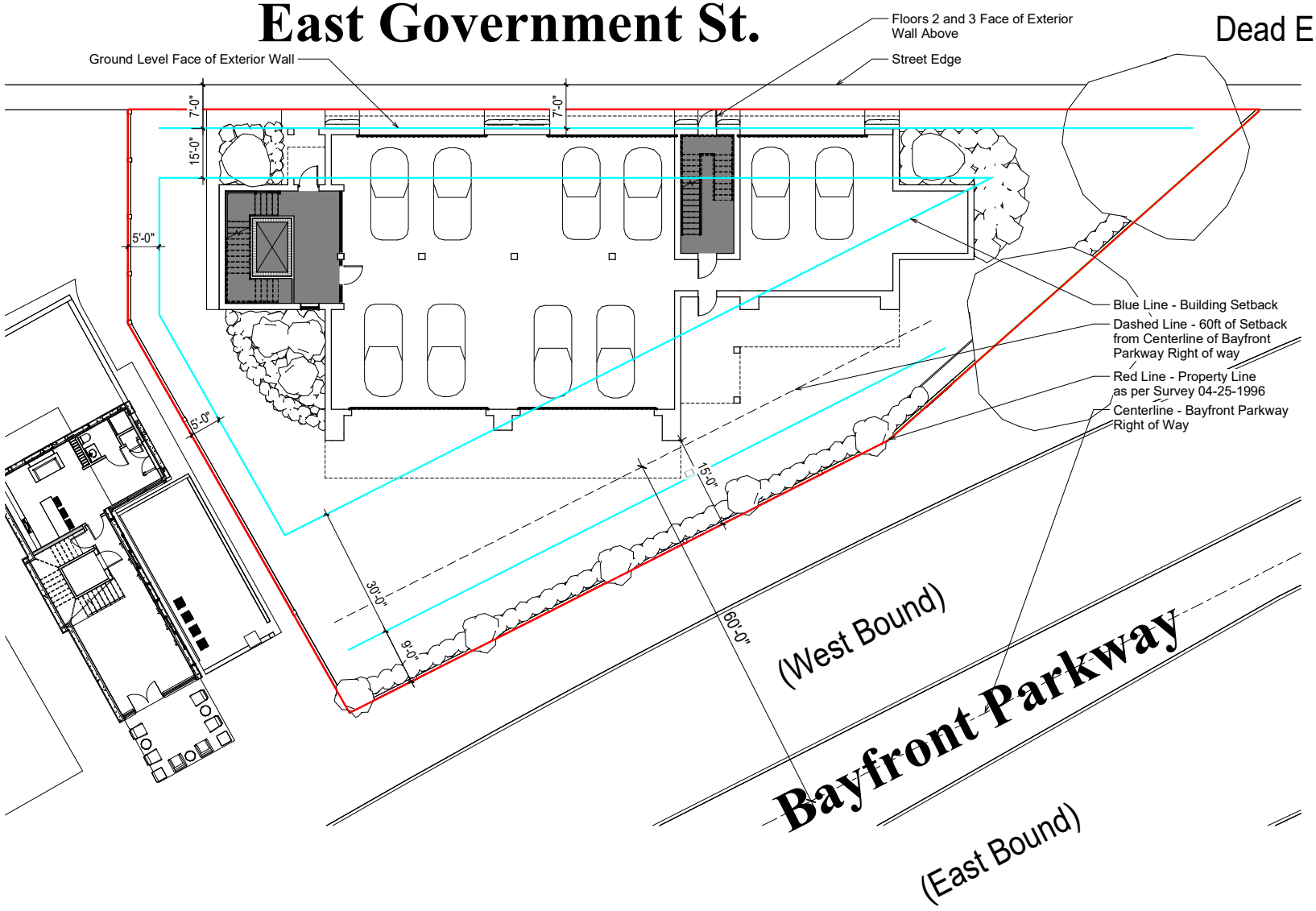
Project No. 0000

Date

Drawing Title: SET BACK

Drawing No. A103

DESIGN DEVELOPMENT - 07-17-2025



1 C- Ground Floor Plan

A201 | A101

1/8" = 1'-0"

8' 4' 0' 8' 16'

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Project No. 0000

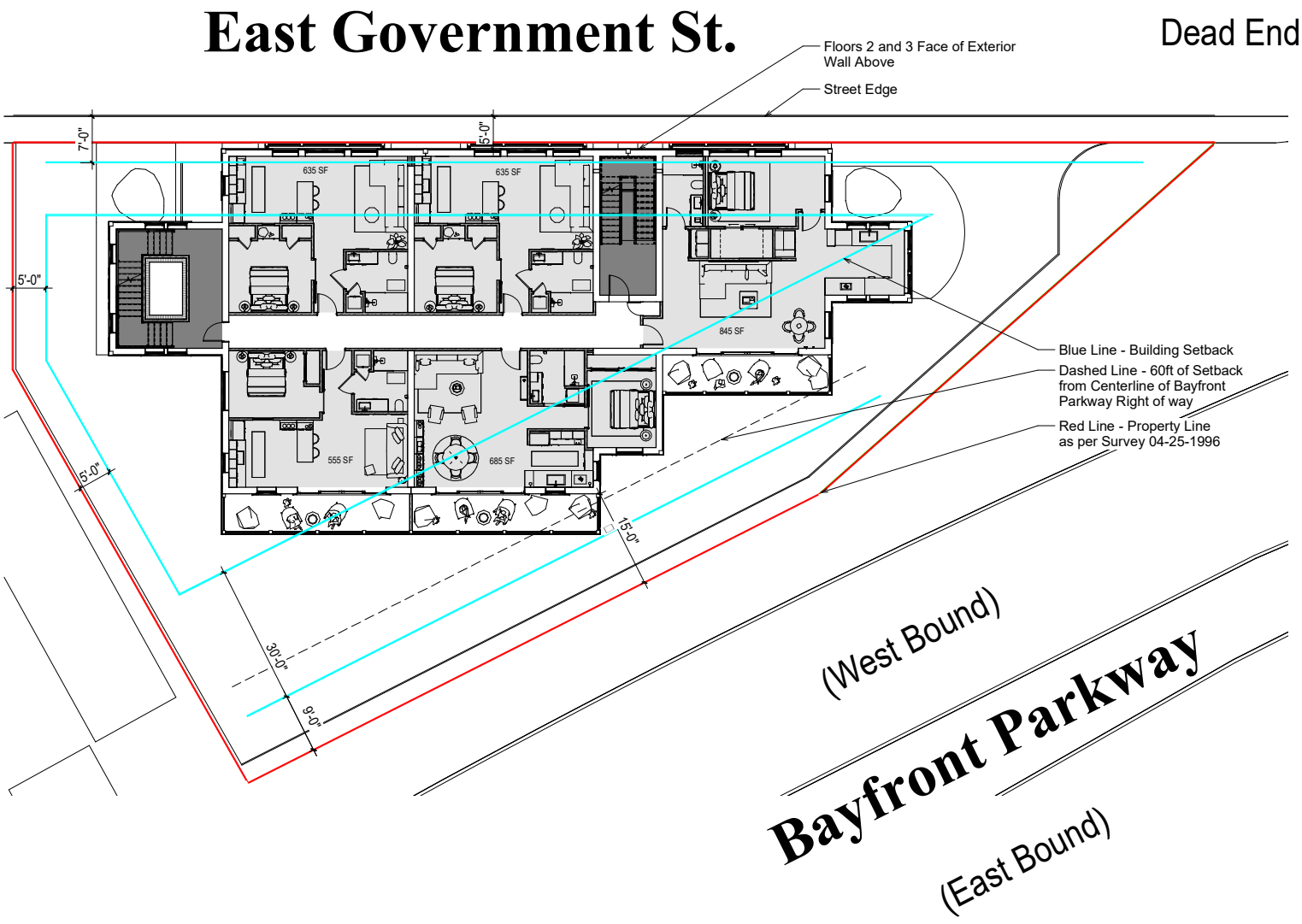
Date

Drawing Title: GROUND FLOOR PLAN

Drawing No. A101

DESIGN DEVELOPMENT - 07-17-2025

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1 C-Floor Plan

A201 | A102

1/8" = 1'-0"

8' 4' 0' 8' 16'

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Owner

TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

Project No. 0000

Date

Drawing Title: 1ST FLOOR PLAN

Drawing No. A102

DESIGN DEVELOPMENT - 07-17-2025

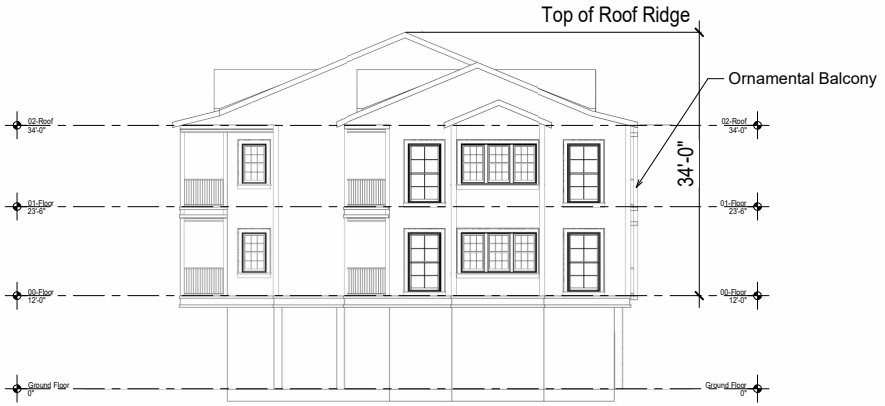
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1 EXTERIOR NEW WORK ELEVATION - NORTH -EAST GOVERNMENT ST

A101 A201 1/8" = 1'-0"

8' 4' 0' 8' 16'



2 EXTERIOR NEW WORK ELEVATION - EAST

A201 1/8" = 1'-0"

8' 4' 0' 8' 16'

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Project No. 0000

Date

Drawing Title
EXTERIOR ELEVATIONS

Drawing No.
A201

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1 EXTERIOR NEW WORK ELEVATION - SOUTH - BAYFRONT PARKWAY

A102 | A202 1/8" = 1'-0"

8' 4' 0' 8' 16'



2 EXTERIOR NEW WORK ELEVATION - WEST

A102 | A202 1/8" = 1'-0"

8' 4' 0' 8' 16'

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Drawing Title
EXTERIOR ELEVATIONS

Drawing No.
A202

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DESIGN DEVELOPMENT - 07-17-2025









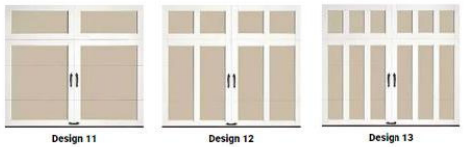






Door Designs

Series 1

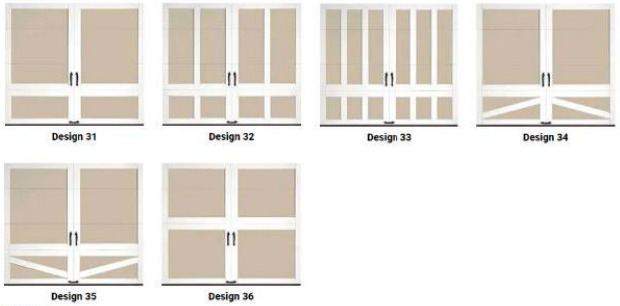


Click here to view Clopay Gallery Collection garage door looks

Series 2



Series 3



Series 4

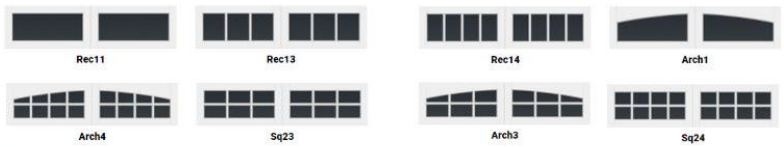


Top Sections

Windows



Solid Top Sections



Colors








PLEASE DO
NOT FEED
THE WILDLIFE
ATM
LOWE'S
IGLOO




WALBORSKY
PERSONAL

City of Pensacola

ARCHITECTURAL REVIEW BOARD

MINUTES

City of Pensacola
222 W. Main Street
Pensacola, FL
32502

August 21, 2025 2:00 PM Hagler-Mason Conference Room, 2nd Floor

CALL TO ORDER / QUORUM

Members Present: William Brantley, George R Mead II, Scott Fisher, Yuri Ramos, Lou Courtney, David Del Gallo,

Members Absent:

Also Present: Historic Preservation Planner Walker, Assistant Planning & Zoning Division Manager Harding, Deputy City Attorney Kia Goldsmith, Ross Pristera, Kelly Greene, Chris Carrol, Nathan Ackerman, Chris Mills, Kathy Tanner, Henry Norris, Cheryl Howard, Scott Sallis, Susan Senkarik, Christy Emmanuel, Rick Emmanuel, Leslie Youd, Steve Fluegge, Devan Dunlap, Richard Bankich, Beverly Edge, Brandon Sandefur, Wade Wilson, Joseph Youd, Steve and Tracey Preisser, Kevin Stephens, Rod Magie, Susie Johnson, Lina Stephens, Christy Cabassa, Toni and Charlie Spatch, Jay Baynes, Linda Webb

APPROVAL OF MINUTES

1. 25-1049 APPROVAL OF THE JULY 17, 2025, ARB MINUTES.

Board Member Del Gallo made a motion to approve the July 17, 2025, ARB minutes. Board Member Mead seconded the motion, and it passed 6-0 with one vacant board position.

OPEN FORUM

NEW BUSINESS

2. 25-1038 313 W. INTENDENCIA STREET

GOVERNMENTAL CENTER DISTRICT / ZONE C-2 / CITY COUNCIL DISTRICT 7
NEW ACCESSORY STRUCTURE

Jay Baynes is seeking final approval to install a 14 x 24' prefabricated shed with a metal roof, composite siding in the color Navajo Green with two 3 x 3' windows, 6-lite outswing door, and a 9' roll-up garage door.

Jay Baynes presented to the board. Board Member Del Gallo asked staff about material requirements. Historic Preservation Planner Walker answered that the Governmental Center District is focused on compatibility with the district.

Board Member Del Gallo made a motion to approve. Board Member Fisher seconded the motion, and it passed 6-0 with one vacant board position.

3. 25-1040 1011 N. REUS STREET
NORTH HILL PRESERVATION DISTRICT / ZONE PR-1AAA / CITY COUNCIL DISTRICT 6
DEMOLITION OF NON-CONTRIBUTING ACCESSORY STRUCTURE

This item was removed from the agenda by the applicant.

4. 25-1041 600 BLK N. 6TH AVENUE
OLD EAST HILL PRESERVATION DISTRICT / ZONE OEHC-1 / CITY COUNCIL DISTRICT 6
NEW RESIDENTIAL CONSTRUCTION

Tim Daniel is seeking final review for new residential construction on a vacant parcel that has been subdivided into two lots. The board provided final approval for new construction on the neighboring lot at the June 2025 ARB meeting. The proposed structure has a finished floor elevation of 18" above grade and is two stories with an attic space with a facade composed of brick veneer skirting with Hardie lap siding with a dimensional shingle roof and detached accessory garage to match the primary.

Steven Sebold presented to the board. Board Members Courtney and Ramos complimented the design. Board Member Ramos asked if Old East Hill Preservation District provided comments, Historic Preservation Planner Walker answered no.

Board Member Ramos made a motion to approve as submitted. Board Member Mead seconded the motion, and it passed 6-0 with one vacant board position.

5. 25-1042 710 N. 7TH AVENUE
OLD EAST HILL PRESERVATION DISTRICT / ZONE OEHC-1 / CITY COUNCIL DISTRICT 6
NEW RESIDENTIAL CONSTRUCTION

Richard Bankich Jr. is seeking final approval of the replacement plans for a contributing structure that was approved for demolition at the June 2025. The replacement plans received conceptual approval at the same meeting. The proposed structure is composed of brick skirting, smooth Hardie lap siding, Pella Reserve aluminum-clad wood windows with six-over-six simulated divided lites, Jeld-Wen wood doors, and a shingle roof.

Richard Bankich presented to the board and noted the board's feedback was incorporated into the final design. The board complimented the application and a usable front porch.

Board Member Courtney made a motion to approve as submitted. Board Member Del Gallo seconded the motion, and it passed 6-0 with one vacant board position.

6. 25-1044 819 E. JACKSON STREET
OLD EAST HILL PRESERVATION DISTRICT / ZONE OEHC-1 / CITY COUNCIL DISTRICT 6
REAR ADDITION AT A CONTRIBUTING STRUCTURE

SMP Architecture is seeking final approval for a two-story rear addition to a contributing structure consisting of a first floor carport and office above. The addition will have horizontal lap siding to match the existing siding, wood columns and brackets, aluminum-clad wood windows to match what was approved at the March 2025 meeting, and a shingle roof to match the existing.

William Brantley, recused from the board, presented the item. Board Member Courtney complimented the design and Board Member Mead noted his appreciation for the upper story of the carport that fits the character of the structure.

Board Member Fisher made a motion to approve. Board Member Del Gallo seconded the motion, and it passed 5-0 with one board member recused and one vacant board position.

7. 25-1045 N. JEFFERSON STREET
PALAFOX HISTORIC BUSINESS DISTRICT / ZONE C-2A / CITY COUNCIL DISTRICT 6
FINAL REVIEW OF NEW COMMERCIAL DEVELOPMENT

Travis Altsman is seeking final approval for a five-story mixed-use building with retail on the first floor facing Jefferson Street with 25 condo units on floors two through five. The building is composed of ground-faced CMU block, flush metal panels, and brick with aluminum storefronts in dark bronze. This project received conceptual approval at the June 2025 ARB meeting.

Travis Altsman presented to the board. Board Member Mead complimented the balcony changes that the board discussed at the previous meeting. Board Member

Ramos noted the solutions were positive and improved the design. Board Member Mead appreciated the massing of the neighboring structure to demonstrate scale.

Board Member Del Gallo made a motion to approve as submitted. Board Member Mead seconded the motion, and it passed 6-0 with one vacant board position.

8. 25-1046 110 E. GARDEN STREET
PALAFOX HISTORIC BUSINESS DISTRICT / ZONE C-2A / CITY COUNCIL DISTRICT 6
EXTERIOR IMPROVEMENTS TO A CONTRIBUTING STRUCTURE

Henry Norris is seeking final approval for exterior alterations to a contributing structure, including a new recessed entry on Garden Street, exterior paint, shutters, slate tile treatment, refurbished metal awnings and storefronts, exterior paint, and parking lot striping and landscaping.

Henry Norris presented to the board. Chair Brantley complimented the tower element and asked if the material selections were branded for the tenant. Beverly Edge, the applicant's client, shared that the design is based on a mixture of previous renovations at different locations. Board Member Mead and staff noted the awnings on Tarragona Street may require coordination with CSX.

Board Member Del Gallo made a motion to approve as submitted. Board Member Ramos asked if the refurbished awnings on Garden Street would project further than existing and Mr. Norris answered no. Board Member Fisher seconded the motion, and it passed 6-0 with one vacant board position.

9. 25-1051 627 E. GOVERNMENT STREET
PENSACOLA HISTORIC DISTRICT / ZONE HC-1 / CITY COUNCIL DISTRICT 6
VARIANCE

Brian Spencer is seeking approval to reduce the rear yard setback on Bayfront Parkway from 20' to 9' from the property line to allow a building height of 34' and to reduce the front yard setback on Government Street from 15' to 0' at the street edge. The next agenda item is demolition of the non-contributing structure, followed by conceptual review of the proposed new development.

Chair Brantley recused himself from the item and Vice Chair Mead noted that speakers would have three minutes each. Vice Chair Mead asked for clarification on allowed uses for the zoning in relation to the applicant to demonstrate a hardship. Historic Preservation Planner Walker noted HC-1 commercial zoning allows multifamily as well as single-family and duplexes along with a variety of commercial uses. Brian Spencer noted his preference to review the demolition request as the first item, staff noted a variance request is typically first in the review order, and Vice Chair Mead chose to maintain the order of the agenda with the variance first. Mr. Spencer noted he had letters of support from individuals who

were unable to attend that he would share with the board. Vice Chair Mead noted that variance requests are quasi-judicial, and comments are limited to those factors that speakers can provide evidence on as it relates to the application. The same caution is given to the applicant and providing evidence on behalf of individuals who could not attend.

Mr. Spencer presented to the board. Mr. Spencer noted the irregular shape of the lot in question and the existing non-conforming structure that does not currently meet the land development code. Mr. Spencer noted the request to decrease the front and rear yard setbacks but the sides, to the east and west, do not require a reduction. Mr. Spencer noted the Crown Cove site-specific development (SSD), adjacent to the west, has different setbacks and that the rear yard setback reduction is not much different from the existing structure's siting. Mr. Spencer noted the proposed first floor level is 4' from the edge of the sidewalk and 8' from the street edge and also noted the required 5' landscape buffer was accounted for on the west side. Mr. Spencer pointed to a previous project, Baylen Lofts, as an example of front-facing garage doors that are close to the right of way. Vice Chair Mead asked staff for clarification about the surrounding zoning and staff noted that the property in question is adjacent to SSD zoning and separated by Government Street from other HC-1 zoning. Board Member Ramos asked Mr. Spencer to elaborate on each of the variance criteria. Mr. Spencer noted that criteria one is satisfied because of the peculiar shape of the land and the lot does not have contiguous zoning with the rest of HC-1. Criteria two is satisfied because it is not a result of the applicant's actions. Criteria three is satisfied because the existing building is non-conforming and the proposed project does not provide the applicant with additional privileges. Criteria four is satisfied because the intent of the wood cottage district is being maintained. Criteria five is satisfied because the variance request is the minimum amount to provide reasonable use of the land. Criteria six is satisfied because the proposal does not impede on public access or view corridors and the proposed project is visually pleasing and harmonious to the Seville historic district. Criteria seven is satisfied because air and light will not be reduced, particularly in comparison with newer houses in Crown Cove adjacent to the west, and because it will not create congested streets. The project provides parking on the site and the on-site spaces will be shifted and maintained. The proposal will not cause a fire hazard or diminish property values.

Mr. Spencer shared letters of support from a variety of individuals from the neighborhood who were unable to attend but supported the project based on the variance criteria. The letters were read into the record on behalf of Deedee Davis, a loca real estate professional; Rafael Simpson, neighborhood resident; Kim Simpson, neighborhood resident; Robert and Lauren Boothe, neighborhood residents; Blake Rushing, neighborhood resident; Teri Levin, neighborhood resident; and Jordan Yee, local architect. Vice Chair Mead asked if any other letters of support spoke to evidentiary support for the specific variance criteria. Mr. Spencer shared that all the letters specifically state approval of the variance request and each person took time to write the letters. Vice Chair Mead suggested

the letters be entered into the record by staff rather than Mr. Spencer read each letter. Vice Chair Mead asked staff to distribute copies of the variance criteria to the audience so that speakers would be prepared to address evidence as it relates to the specific variance criteria. Board Member Ramos asked if a variance is project or applicant specific. Staff answered that granted variances are project-specific. Board Member Ramos asked if the existing building were to be demolished, would the existing setbacks remain? Historic Preservation Planner Walker answered no. If the existing non-conforming structure were to be demolished, new construction must comply with the current code or a variance would be required to reduce the setbacks. Vice Chair Mead asked the applicant how much footprint would be lost if a variance was not sought to reduce the setbacks. Mr. Spencer answered that a substantial amount of square footage would be lost.

Brandon Sandefur addressed the board on criteria six and noted the neighboring properties would be compromised and would suffer a hardship by the development. Devan Dunlap addressed the board on behalf of Deborah Dunlap who could not attend. Ms. Dunlap identified criteria one, three, and six, stating the variance would diminish property values and impact the historical integrity of the neighborhood. Chris Carroll addressed the board and spoke about parking. Linda Webb, President of the Seville Square Historic District Neighborhood Association, addressed the board and represented roughly 50 members of the neighborhood. Christy Emmanuel addressed the board and noted that the variance request does not satisfy criteria number five and outlined opposition to the request. Rick Emmanuel addressed the board on criteria five, six, and seven and item (b) and spoke about the increase in parking and vehicular traffic. Rod McGee addressed the board and spoke about criteria six and that the proposed variance would be injurious because of the increase in parking. Steven Fluegge addressed the board and noted that variances should not be granted. Lina Stephens addressed the board and noted her home is under construction directly next door to the west. Kevin Stephens addressed the board and stated opposition based on criteria six and seven. Steven Preisser addressed the board and stated opposition based on criteria three, five, and six. Mr. Preisser offered a signed petition. Kia Goldsmith, Deputy City Attorney, noted that a petition is not substantial evidence, which should be limited to statements that can be read into the record. Tracy Preisser addressed the board and stated opposition based on criteria five and six. Kathy Tanner addressed the board and stated her opposition based on criteria number three. Scott Sallis addressed the board and shared support for the proposed variance based on criteria one through three.

Brian Spencer responded to the points raised during public comment. Vice Chair Mead closed the evidence period and the board took to deliberation. Board Member Ramos clarified that the board is tasked with reviewing requests as they relate to the code. Board Member Ramos asked if the variance approval would include any elements of architectural design and outlined reasoning for why the variance request satisfies the criteria. Historic Preservation Planner Walker answered that approval of the variance does not provide automatic approval for the

conceptual design. Board Member Ramos noted support of the rear reduction on Bayfront Parkway but not necessarily the request for reduction on Government Street. Vice Chair Mead noted the irregular shape of the lot forces the setbacks to converge in a triangular shape. Board Member Courtney asked if certain aspects of the request could be approved. Deputy City Attorney Goldsmith answered that the applicant would have to withdraw items from the variance request to have partial approval. Board Member Del Gallo asked about the allowable height for a commercial property. Historic Preservation Planner Walker answered the maximum height is 2.5 stories and 35' and the building height is measured from finished floor to roof peak, not including the parking below, which is not occupiable and not included in the building height.

Board Member Mead noted the proposed development does not expand the existing non-conformity and that the variance criteria have been met because those special conditions that are there are not the fault of the applicant. They do contribute to the character of the neighborhood and to remove them in order to force a setback artificially in this setting, on a non-standard lot unlike any of the other lots surrounding it, and certainly not like the ones that are directly abutting it, would be an exercise of form over substance. In that respect, Board Member Mead stated that this is an appropriate variance because the interpretation of the site and the building, given its history and its place in the historic district, is appropriate. The frontage being pushed back will reduce the existing non-conformity and will benefit pedestrians. Board Member Mead noted that under these circumstances he tends to find that all the criteria have been met by the evidence submitted, and no substantial evidence has been provided that conclusively rebuts that evidence and Board Member Mead is likely to grant the variance request. Board Member Mead shared that the character of the district should be respected and the idiosyncratic things that are consistent with the character should be maintained.

Board Member Mead closed the deliberations. Board Member Courtney asked for clarification on approving the entire request or partial approval and Board Member Mead noted it must be the variance as submitted. Board Member Mead made a motion to approve. Board Member Ramos seconded the motion, and it passed 4-1 with one board position vacant, one board member recused, and one dissent vote from Board Member Del Gallo.

10. 25-1052 627 E. GOVERNMENT STREET
PENSACOLA HISTORIC DISTRICT / ZONE HC-1 / CITY COUNCIL DISTRICT 6
DEMOLITION OF A NON-CONTRIBUTING STRUCTURE

Brian Spencer is seeking approval to demolish a non-contributing structure to allow for the development of a multifamily residential structure. The 6,966 sf. structure was built in 1981 and does not require replacement plans to be provided, but the next agenda item is conceptual review of the proposed multifamily residential

development.

Brian Spencer presented to the board. Mr. Spencer asked Advisor Pristera to share any historical information on the non-contributing structure. Advisor Pristera noted the 1981 construction date and the architectural style fits that genre. Demolition of the structure would not be detrimental to the district and the entire block is composed of non-historic buildings and modern infill. Mr. Spencer noted the building was originally a one-story structure with an added second floor that could not withstand further expansion.

Steven Fluegge addressed the board and shared that the existing building was built prior to 1981, which was the time of a remodeling project, and the building had been standing since at least 1968. Advisor Pristera noted the structure, though now 50 years older, would still be considered non-contributing because of the modifications made in 1981. Kathy Tanner addressed the board and suggested that the structure proposed for demolition at 500 Bayou Boulevard, Item 12 on the agenda, should be moved to the location of 627 E. Government Street. Scott Sallis addressed the board and shared support for the proposed demolition in light of the approved variance request. Robby Youd addressed the board and asked if an asbestos survey had been completed. Historic Preservation Walker Planner noted that an asbestos report would be a matter for Building Inspections during permitting. Board Member Del Gallo shared that asbestos reports are often required for permitting. Mr. Spencer answered that to his knowledge an asbestos report had not been completed. Mr. Youd asked about a tree survey and staff noted that the applicant must coordinate with the city arborist during permitting.

Board Member Del Gallo made a motion to approve. Board Member Fisher seconded the motion, and it passed 4-0 with one board position vacant and one board member recused.

11. 25-1053 627 E. GOVERNMENT STREET
PENSACOLA HISTORIC DISTRICT / ZONE HC-1 / CITY COUNCIL DISTRICT 6
NEW MULTIFAMILY RESIDENTIAL CONSTRUCTION

Brian Spencer is seeking conceptual approval for a new multifamily residential structure composed of first floor parking beneath second and third floor residential space, composed of 10 units.

Brian Spencer presented to the board and shared that future modifications have already been drafted, including the roof form. Board Member Mead asked staff for the review criteria for conceptual. Historic Preservation Planner Walker answered that the board should review the proposal based on massing and scale and if the proposed conceptual development fits the character of the district. Board Member Ramos asked about the garage security screening in the renderings compared to

the traditional garage door product that was included in the application. Board Member Ramos noted that in this district the board has discouraged front-facing garages and wondered if the applicant had thought of other options aside from garage doors. Mr. Spencer answered that options were explored, including open-air garages, and in speaking with local residents, a higher-end carriage house door with a wood finish was the preferred option. Mr. Spencer noted the preference for the vertical window panes versus horizontal and the color choice had not been finalized. Board Member Ramos asked staff about the parking requirement for residential use. Historic Preservation Planner Walker noted the requirement of one space per unit, which was later amended to note the code section 12-3-10(1)e.7.iii., which states that off-street parking is not required in the HC-1 and HC-2 zoning districts. Board Member Fisher asked if additional curb cuts were planned and Mr. Spencer answered that he is coordinating with Brad Hinote, City Engineer, to meet engineering requirements for curb cuts.

Board Member Mead echoed that the final submission must suitably fit the proposed garage door concept and appreciated the masonry base and cantilevered elements in terms of historical inspiration. Board Member Mead noted the gabled dormers do not fit the character and Mr. Spencer clarified that a new roof form is ready for future review. Board Member Mead felt the tower element at the end is a defining feature that could be iconic and needs more attention to be a defining element. Board Member Mead noted the Government Street facade could use a more fitting treatment since it is a prominent facade from 9th Avenue and Bayfront Parkway. Advisor Pristera asked about the power poles and Mr. Spencer noted they must be placed underground.

Linda Webb addressed the board and shared that the project is not suitable for the lot and alters the character of Government Street. Ms. Webb noted the density is inconsistent with the neighborhood's standards and that the new Bayfront project will add a sidewalk to the north where the green space is proposed. Rick Emmanuel addressed the board and shared that ten units on the lot would lead to overcrowding and increased vehicular traffic. Mr. Emmanuel asked that the density be reduced from ten to five units and asked for safety to be considered. Rod McGee addressed the board and noted that the proposed development does not fit the character of the district and would cause increased traffic. Kevin Stephens addressed the board and noted the aesthetic design is fine, but there are concerns about density and the front-facing garages. Mr. Stephens felt that the board did not consider the residents' feelings and that the project was progressing very fast. Mr. Stephens questioned if the board was considering the impacts on the surrounding residents and the human factor. Kathy Tanner addressed the board and noted that residents in the surrounding area have placed signs to designate on-street parking and noted the design is too commercial. Scott Sallis addressed the board and shared that he supports the proposed development as a neighbor. Mr. Sallis noted that something less desirable could be proposed, and the current proposal is code-compliant. Board Member Del Gallo clarified that the board does not dictate density but only the architectural aspect and if something meets code. Board Member

Mead noted his inclination to confine approval to massing and overall configurations, such as the cantilevers, and noted the need for a refined garage door configuration to not actually look like a garage door.

Board Member Del Gallo made a motion to approve the project as submitted. Board Member Mead asked to limit the approval to siting, massing, setbacks, masonry podium with parking below, the roof line, the balconies being appropriate with added design details, and attention to the front facade to make it more compatible with the surroundings. Board Member Del Gallo accepted Board Member Mead's suggestions. Board Member Courtney seconded the motion, and it passed 4-0 with one board position vacant and one board member recused.

12. 25-1047 500 BAYOU BOULEVARD
EAST PENSACOLA HEIGHTS / ZONE R-1AA / CITY COUNCIL DISTRICT 4
HISTORIC STRUCTURE DEMOLITION APPLICATION

Per the City of Pensacola's Historic Building Demolition Review Ordinance, the referenced structure has been found to be potentially significant because the building embodies the distinctive characteristics of a type, period or method of construction. Per the ordinance, the Board is tasked with determining whether or not this structure meets the criteria for listing in the National Register of Historic Places. If eligible and deemed historically significant by those criteria, the Board must also determine if the building is subject to a demolition delay of no more than 60 days. To determine that a historically significant building is subject to a demolition delay, the Board must find that in the interest of the public it is preferable that the building be preserved or rehabilitated rather than demolished.

Wade Wilson and Maverick McCoy presented to the board. Mr. McCoy noted that the structure has been vacant for perhaps 10 years. Chair Brantley noted that a replacement plan is not required, which makes it difficult for the board to make a decision. Without knowing what will replace the structure, it is hard to review a proposed demolition. Board Member Del Gallo noted that the 60-day delay is only effective if someone steps up to save the structure. Board Member Mead noted the structure meets the criteria to be listed in the National Register and meets the code requirements for a delay. There have been success stories of a delay being imposed, and perhaps the structure could be moved. Board Member Mead supported a 60-day delay, echoed by Chair Brantley who noted an idea of replacement would be helpful in making these types of decisions. Board Member Ramos asked Advisor Pristera to share the history. Mr. Pristera noted the house was occupied by a previous mayor and civic-oriented citizens, but the architecture is the most significant feature. Mr. Pristera noted the board meeting is a forum, along with the delay, to provide an opportunity for someone else to step up and preserve the structure. The board discussed the feasibility of moving the structure. Board Member Courtney encouraged the applicant to reconsider demolition and that restoration could be attainable.

Board Member Mead made a motion that the house has historical and architectural significance and meets the requirements of the ordinance. The board should impose a 60-day delay to see if the structure can be salvaged or reconfigure the development to save the structure. Board Member Ramos seconded the motion, and it passed 6-0 with one vacant board position.

ADJOURNMENT

100 Block South Baylen

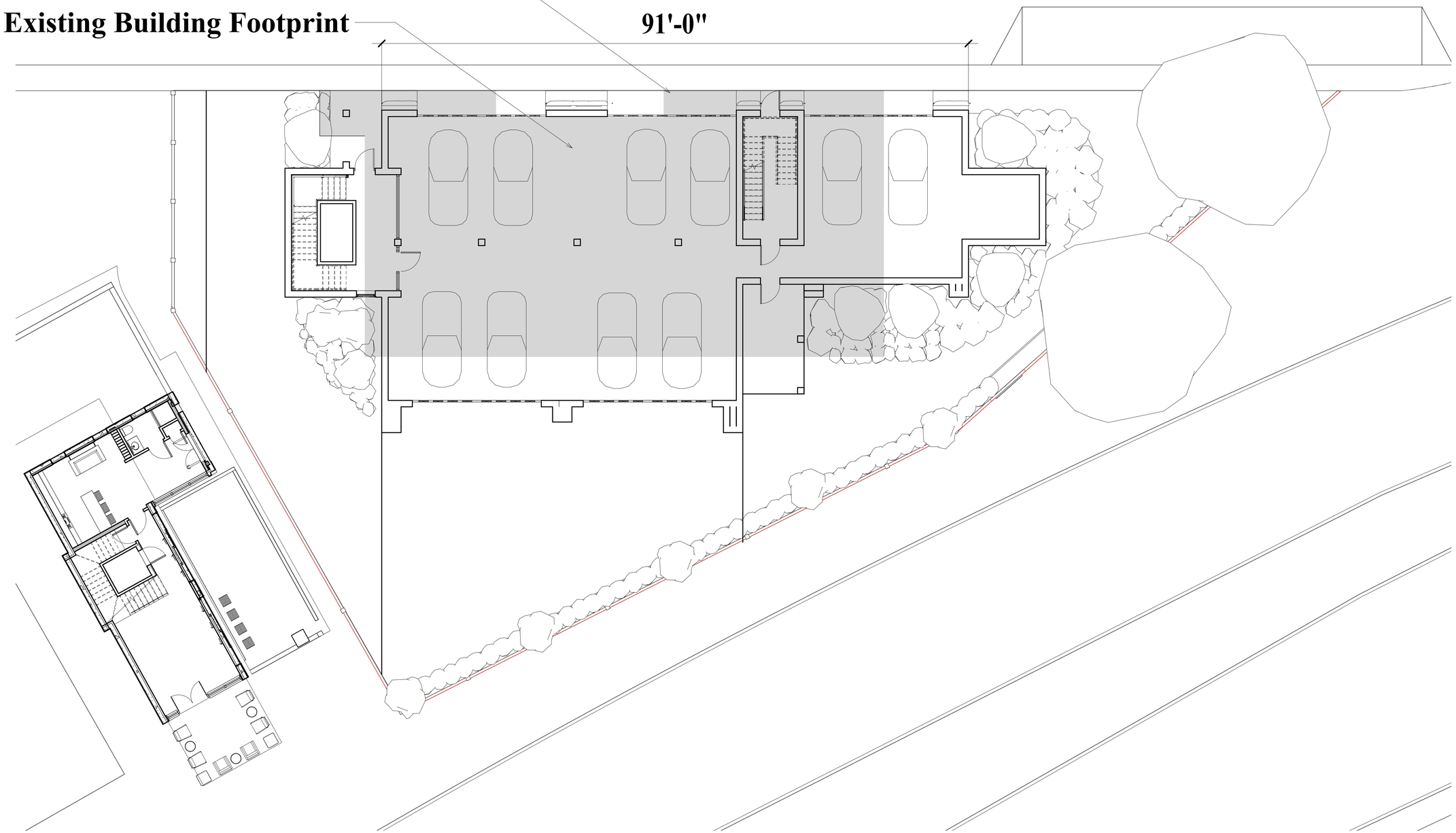
Precedent Image



Face of garage door

to edge of sidewalk





1 C- Site Plan

A201 | A106 1/8" = 1'-0"

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smp. architecture
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SMP Architecture, P.A.
205 E Intendencia Street, Pensacola, Florida 32502
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Seal

Consultant

No.	REVISION	DATE

Owner

TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

Project No. 0000

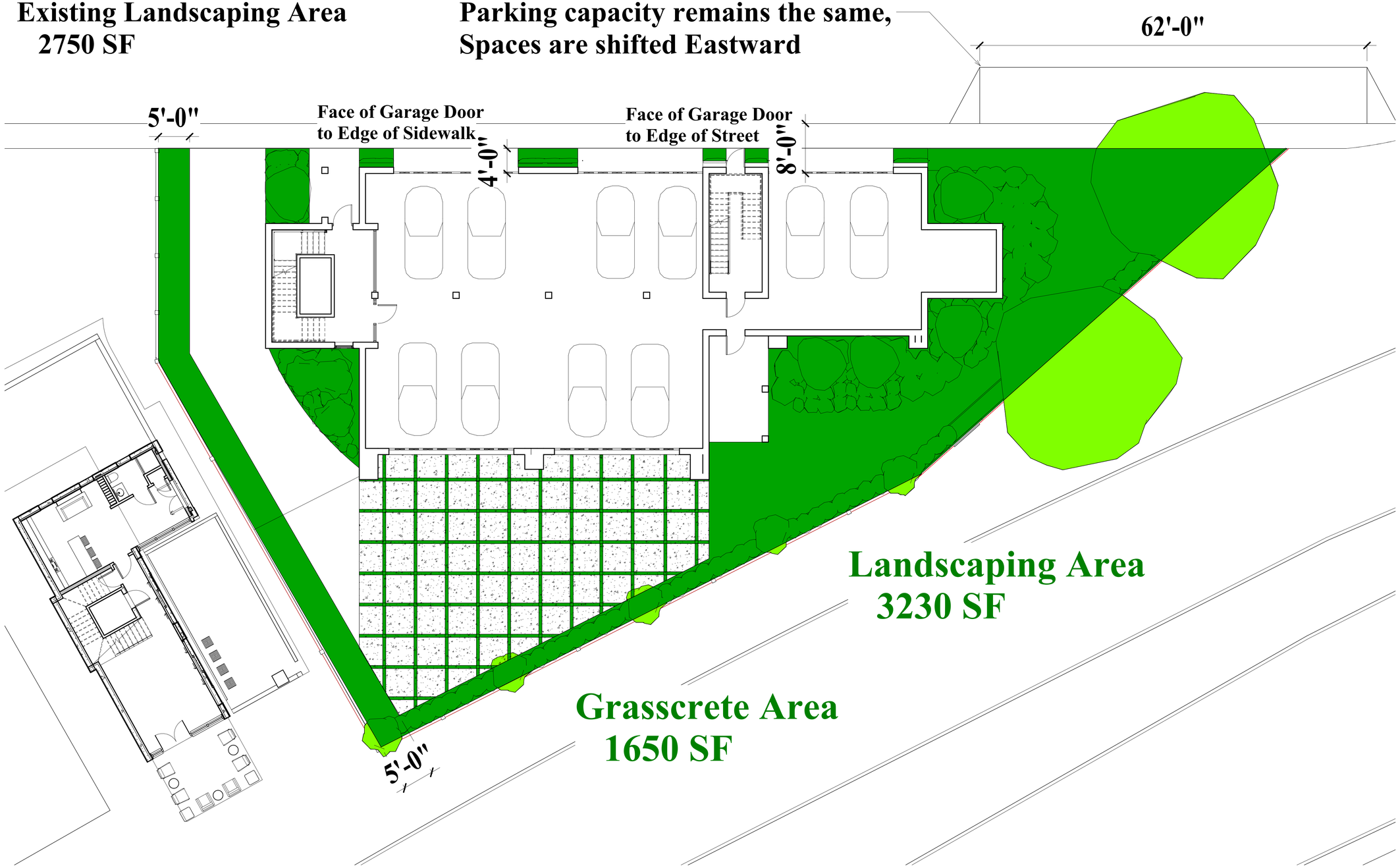
Date

Drawing Title SITE PLAN

Drawing No. A106

Existing Landscaping Area
2750 SF

Parking capacity remains the same,
Spaces are shifted Eastward



1	C- Site Plan
A201 | A105	1/8" = 1'-0"

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Seal

Consultant

No.	REVISION	DATE

Owner

TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

Project No. 0000

Date

Drawing Title: SITE PLAN

Drawing No. A105

To the Chair and Members of the Architectural Review Board:

My name is Rafael Simpson, and I live at 435 E. Zaragoza St., just a short walk from the project site at 627 E. Government St. In addition to being a neighbor, I am the owner of two Pensacola businesses: Harry Roy, a downtown dining establishment on S. Palafox, and Haus of Hue, a furnishings and design store on N. 9th Avenue.

I support this project because it removes a building that has no historic or architectural value and replaces it with a design that respects the scale and rhythm of the Seville Historic District. The new building will enhance the streetscape of E. Government St. and contribute positively to the neighborhood that I both live in and care about deeply.

Specifically, I support the applicant's request for the stipulated building setback variances, the demolition of the existing non-contributing structure, and the conceptual design approval of the proposed new building.

As a business owner, I understand the importance of maintaining high standards of design in our community. This project does exactly that — it elevates the historic district by introducing architecture that is compatible, thoughtful, and enduring.

I respectfully encourage the Board to approve this application.

Respectfully,

Rafael "Raf" Simpson

Resident, 435 E. Zaragoza St.

Owner, Harry Roy & Haus of Hue

Signature: _____

Date: 8/20/25

Printed Name: Raf Simpson

NAIPensacola

To the Chair and Members of the Architectural Review Board:

I am **DeeDee Davis, Broker/Owner of NAI Pensacola, located at 24 W. Chase St., Pensacola, FL 32502.** I have worked in the Pensacola real estate market for many years, including downtown and within the Seville Historic District.

I have reviewed the petition circulated in opposition to the project at **627 E. Government St.**, and I feel it is important to correct a false impression that this project would somehow diminish surrounding property values.

Specifically, I support the applicant's request for the **stipulated building setback variances**, the **demolition of the existing non-contributing structure**, and the **conceptual design approval** of the proposed new building.

In my professional judgment, replacing a **non-contributing structure** with a **new, architecturally compatible building** will **enhance the overall desirability and value of nearby properties.**
Well-designed infill of this kind is proven to strengthen historic neighborhoods by raising standards of design and contributing to a sense of stability.

Concerns about declining property values are unfounded. The market consistently rewards high-quality architecture, sensitive redevelopment, and investments that improve the streetscape — all of which this project provides.

As a broker who understands both the historic district and the broader Pensacola market, I can state with confidence that this project will **positively impact neighboring values**, not harm them.

Respectfully
submitted,
DeeDee Davis
Broker/Owner,
NAI Pensacola
24 W. Chase St., Pensacola, FL 32502

Signature: DeeDee Davis Date: 8-20-25

Printed Name: DeeDee Davis

24 West Chase Street Suite 100 | Pensacola, Florida USA 32502 | +1 850 433 0577 | naipensacola.com

To the Chair and Members of the Architectural Review Board:

I am **Kim Simpson**, a property owner residing at **434 E. Zaragoza St.**, in close proximity to the property at **627 E. Government St.**

As neighbors, we all want what is best for Seville. This project proposes to **demolish** a building that has long been out of place and replace it with one that is designed to fit more naturally into its surroundings. The proposed design is more in keeping with the scale, character, and materials found throughout the district.

I want to clarify something important: I originally signed a petition opposing this project, but that was because I was asked to sign without being shown any images or illustrations and felt pressured to add my name. Once I had the opportunity to see the actual plans and understand what is being proposed, I reconsidered my position. I have since **formally requested that my name be removed from the petition** and asked if I could instead submit this letter of support.

Specifically, I support the applicant's request for the **stipulated building setback variances**, the **demolition of the existing non-contributing structure**, and the **conceptual design approval** of the proposed new building.

The requested setback variances do not introduce new conditions — they reflect a long-standing pattern on this site. Approval of this application means replacing a structure that detracts from the neighborhood with one that is much more appropriate and lasting.

For these reasons, I respectfully encourage you to grant approval for the requested variances.

Sincerely,
Kim Simpson
434 E. Zaragoza St.
Pensacola, FL

Signature: _____ Date: 08202025

Printed Name: Kim simpson-Browne

To the Chair and Members of the Architectural Review Board:

As residents and property owners of two nearby residential properties (**181 S. 9th Ave.** and **636 E. Government St., Unit 3**), both of which are within walking distance of the proposed project at **627 E. Government St.**, we wish to express our strong support.

This proposal would replace a structure that has no architectural or cultural significance with a building that has been designed with care and sensitivity to the surrounding historic district. The proposed scale, proportions, and materials are consistent with the neighborhood and will contribute positively to the overall appearance of E. Government St.

Specifically, we support the applicant's request for the **stipulated building setback variances**, the **demolition of the existing non-contributing structure**, and the **conceptual design approval** of the proposed new building.

Approving this project will result in a more compatible and lasting improvement to the historic district and reinforce the character of Seville as one of Pensacola's most treasured neighborhoods.

With respect,
Robert Boothe
Lauren Hayward-Boothe

Signature: _____ Date: 8-13-2025

Printed Name: Robert Boothe

Signature: _____ Date: 8-13-2025

Printed Name: Lauren Hayward-Boothe

Letter of Support / ARB Application for 627 E. Government Variance

To: City of Pensacola Architectural Review Board Chair & Members

My name is **Blake Rushing**, and I live just a stone's throw from the proposed project site at **627 East Government Street**. My wife and I deliberately chose to make our home in the **Seville Historic District** so that we could live in a walkable, mixed-use neighborhood — close to my downtown restaurant, where I serve as Executive Chef, and close enough that I can be present with my wife and children.

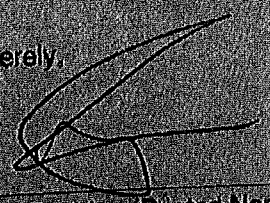
The Seville District offers a unique blend of historic character, neighborhood vitality, and access to public spaces like **Seville Square** and **Admiral Mason Park**, as well as the nearby **Pensacola Bayfront walking and biking paths**. These are the qualities that drew us here — and they are the same qualities that this proposed development will strengthen.

I understand that the applicant is requesting a **setback variance** to allow this project to move forward. I support this request because the design is **thoughtful, compatible with the scale of surrounding structures, and respectful of the historic district's character**. Rather than leaving an **underutilized building** in place, this project will introduce well-designed housing that enhances both the visual and functional fabric of the block.

From the perspective of both a father and a business owner, I see this project as a clear improvement. **more residents living downtown means safer streets, more support for local businesses, and a stronger sense of community.** It is exactly the kind of investment that reinforces Pensacola's long-term vitality while honoring its past.

I am proud to add my name in support of this project, and I respectfully encourage your approval of the **building setback variance request as well as the conceptual design**.

Sincerely,



Blake Rushing (Printed Name)

Date: 8/20/25

I respectfully submit this letter of support to the Chair of the ARB and to all of the ARB members.

If I may introduce myself;

I am a resident of 433 E Zarragoza Street for 2 years, and own a historic building downtown.

I am a resident of Pensacola for 45 years, and have lived in the downtown area for over 10 years.

I also serve on the UWF Historic Board.

In behalf of Brian Spencers submittal today ;

I fully support this submittal and would ask for approval of the building setback variance request, as well as the demolition of the existing building on said property.

I believe it will be an improvement both aesthetically and will fill the need for more housing downtown for young professionals. I believe this is responsible growth.

I also believe Brian Spencer is a responsible and upstanding citizen and architect, who cares deeply about the historic values of our community and has vision with sensitivity to the current and future needs of Pensacola.

I fully support the conceptual approval of 627 E Government Street.

Respectfully,

Teri Levin

Dear Brian,

You have my permission to share this letter of support for the Demolition, Building Setback Variances, and Conceptual Approval with the ARB chair and Board members at the ARB meeting on August 21, 2025. I wish I was able to voice my support in person, but I hope my opinion as a former ARB member is helpful for your project.

I believe the proposed project results in new building massing that is substantially similar to the existing non-conformity along the Bayfront frontage and actually reduces the existing non-conformity along the Government frontage.

I also believe the site presents unique conditions unlike any other site in the District and the setbacks as defined by the LDC would preclude the construction of a usable footprint for infill housing, for which the City has expressed an ongoing need. Furthermore, infill housing is the most appropriate use of the site given the residential fabric of this dead end street and the design will be a great addition to the DIstrict. Finally, I believe the variance criteria have been demonstrated as outlined by the LDC.

Thanks,

Jordan Yee

Seville Square Historic District Neighborhood Association
Position on 627 E. Government Street

ARB Meeting – August 21, 2025

OBJECT TO ALL OF THE VARIANCES, INAPPROPRIATE FOR THIS PARCEL

Setbacks & Scale

- Rear setback reduction (20' → 9' on Bayfront) eliminates green buffer and pushes mass directly onto sidewalk (part of new Bayfront redesign); not consistent with intent of district standards for green space and pedestrian scale.
- Front setback reduction (15' → 0' on Government) breaks the established rhythm of the 600 block, where all residences have visible setbacks; overhangs at 0' are not a historic feature of this block.
- Section 12-3-10 requires that setbacks reflect the development pattern of adjacent contributing structures; current proposal introduces an incompatible edge condition.

Density & Use

- Ten-unit multifamily structure (3 stories with first-floor parking) is too dense for the parcel and immediate residential context.
- First-floor parking podium creates an inactive streetscape, inconsistent with historic district's pedestrian scale.
- Section 12-3-10 (1)a: zoning regulations intend to "enhance the pedestrian scale" — podium parking undermines this intent.

Parking & Traffic

- No clear plan for off-street parking to accommodate residents or visitors; street parking in this corridor is already at capacity.
- Proposed development eliminates 62' of designated public parking which is currently located directly in front of the proposed structure.
- Three double garage doors on Government Street immediately open to the sidewalk creates a safety hazard for pedestrians. No visual clearance from the parking garage onto Government Street or view points/mirrors for traffic.
- Increased density without parking relief will negatively affect neighborhood circulation and quality of life.

Green Space & Landscaping

- Concept plan shows no meaningful green space, canopy trees, or landscaped buffers.
- Elimination of tree canopy conflicts with 12-3-10 (1)e(2) which protects shade/flowering trees as defining elements of district character.
- Section 12-3-10(e)(6) requires lots to be landscaped with "trees, shrubbery, or ground cover" — proposal is all paved, failing this requirement.*

Architectural Review Board 8/21/2025

City of Pensacola

Letter Opposing Variance Request - 627 East Government Street, Pensacola, FL

We, the undersigned residents and property owners of Seville Place Homeowners Association respectfully oppose the variance request submitted for 627 East Government Street, Pensacola, FL 32502, which seeks to:

1. Reduce the required rear yard setback from 20 feet to 9 feet;
2. Reduce the required front yard setback from 15 feet to 0 feet; and
3. Construct a three story 10-unit condominium complex with 10 parking spaces.

Reasons for Opposition:

1. **Excessive Building Scale and Density**
   - A 34-foot, three story ten unit development squeezed onto a reduced setback lot will overwhelm the scale and character of the surrounding neighborhood.
   - The reduced setbacks drastically diminish green space and buffer zones that protect neighboring properties' privacy and enjoyment.
2. **Parking Deficiency and Traffic Concerns**
   - Ten units with only ten parking spaces fails to adequately address resident and visitor parking needs. In addition to increased density, the proposed project eliminates 62 feet of designated public parking on Government Street because of the proposed garage entrances.
   - Spillover parking will burden surrounding streets, creating congestion, safety hazards, and diminished access for emergency vehicles.
3. **Negative Impact on Community Character and Property Values**
   - The zero-foot front setback eliminates the streetscape buffer and creates a looming structure directly on the sidewalk, inconsistent with the existing neighborhood pattern.

- These variances, if granted, could set a precedent for overdevelopment in an area not designed to handle it and will adversely affect current residents' property values and the quality of life.

4. **Lack of Demonstrated Hardship**

   - Variances are intended to address unique hardships related to a property's physical characteristics, not to maximize developer profits. This lot is simply too small for the proposed structure.

   - In this case, the property can be developed reasonably within existing zoning regulations without these extreme setback reductions. Our you could simply keep the building.

Conclusion

We urge the Board to uphold existing zoning standards by denying the requested variances. These regulations are in place to preserve community character, protect safety, and ensure balanced development. Approving this request would undermine those protections and harm the neighborhood we value.

Respectfully submitted,

The residents of Seville Place Homeowners Association:

612 East Government Street (Chris Carroll)

618 East Government Street (Robby and Leslie Youd)

620 East Government Street (Michael Piper)

622 East Government Street (Christy Nixon)

624 East Government Street (Kelly Greene and Charles Mielke)

626 East Government Street (Stephen and Tracey Preisser)

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Brantley, William	Architectural Review Board
MAILING ADDRESS 205 E. Intendencia Street	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY / COUNTY Pensacola / Escambia	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 8/21/2025	MY POSITION IS: ☐ ELECTIVE ☑ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, William Brantley, hereby disclose that on Thursday, August 21, 20 25:

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

X inured to the special gain or loss of my business associate, Randy Maxwell, SMP Architects;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Agenda Item 6 - 819 E. Jackson Street

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

8/21/25
Date Filed

William Brantley
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Brantley, William	Architectural Review Board
MAILING ADDRESS 205 E. Intendencia Street	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Pensacola — COUNTY: Escambia	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 8/21/2025	MY POSITION IS: ☐ ELECTIVE ☑ APPOINTIVE

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For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, William Brantley, hereby disclose that on Thursday, August 21, 20 25:

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

X inured to the special gain or loss of my business associate, Brian Spencer, SMP Architects;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Agenda Item 9 - 627 E. Government Street

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

8/21/25
Date Filed

William Brantley
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Brantley, William	Architectural Review Board
MAILING ADDRESS 205 E. Intendencia Street	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Pensacola — COUNTY: Escambia	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 8/21/2025	MY POSITION IS: ☐ ELECTIVE ☑ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
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DISCLOSURE OF LOCAL OFFICER'S INTEREST

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___ inured to the special gain or loss of my relative, _____ ;

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Agenda Item 10 - 627 E. Government Street

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8/21/25
Date Filed

William Brantley
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

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LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Brantley, William	Architectural Review Board
MAILING ADDRESS 205 E. Intendencia Street	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Pensacola — COUNTY: Escambia	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 8/21/2025	MY POSITION IS: ☐ ELECTIVE ☑ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

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* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

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* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

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APPOINTED OFFICERS (continued)

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___ inured to the special gain or loss of my relative, _____ ;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

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Agenda Item 11 - 627 E. Government Street

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

8/21/25
Date Filed

William Brantley
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT**)

BRANDON SANDERS — Name (print)

610 E. GOVERNMENT — Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

2. 313 W. Intendencia Street
3. 1011 N. Reus Street
4. 600 Blk N. 6th Avenue
5. 710 N. 7th Avenue
6. 819 E. Jackson Street
7. N. Jefferson Street
8. 110 E. Garden Street
9. 627 E. Government Street – variance
10. 627 E. Government Street – demolition
11. 627 E. Government Street – conceptual review
12. 500 Bayou Boulevard

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

CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT**)

DEVAN DUNCAP
Name (print)

Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

2. 313 W. Intendencia Street

3. 1011 N. Reus Street

4. 600 Blk N. 6th Avenue

5. 710 N. 7th Avenue

6. 819 E. Jackson Street

7. N. Jefferson Street

8. 110 E. Garden Street

9. 627 E. Government Street – variance

10. 627 E. Government Street – demolition

11. 627 E. Government Street – conceptual review

12. 500 Bayou Boulevard

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Chris Carrol — Name (print)

612 E Government St — Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

2. 313 W. Intendencia Street

3. 1011 N. Reus Street

4. 600 Blk N. 6th Avenue

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

LINDA Webb
Name (print)

206 S. Florida Blanca
Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

2. 313 W. Intendencia Street

3. 1011 N. Reus Street

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Christy Emmanuel — Name (print)
313 S. Florida Blanca — Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

2. 313 W. Intendencia Street

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Rick Emmanuel
Name (print)

313 S. Florida Blanca St
Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

2. 313 W. Intendencia Street

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

RODERIC MAGEE — Name (print)

609 Crown Cove 32502 — Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Stephen Fluegge — Name (print)

555 E. Government St — Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Lina Stephens
Name (print)

607+617 Gown Cove
Address

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OPEN FORUM

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The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable

CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Kevin Stephens
Name (print)

603 & 605 E Government St
Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT**)

Stephen Preisser
Name (print)

626 E. Government Street
Address

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OPEN FORUM

NEW BUSINESS

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Tracey Reisser
Name (print)

626 E Goverment St
Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

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11. 627 E. Government Street – conceptual review

12. 500 Bayou Boulevard

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

CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Name (print) Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

2. 313 W. Intendencia Street
3. 1011 N. Reus Street
4. 600 Blk N. 6th Avenue
5. 710 N. 7th Avenue
6. 819 E. Jackson Street
7. N. Jefferson Street
8. 110 E. Garden Street
9. 627 E. Government Street – variance
10. 627 E. Government Street – demolition
11. 627 E. Government Street – conceptual review
12. 500 Bayou Boulevard

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.

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT**)

Scott Sallis — Name (print)

627 E Government St — Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

2. 313 W. Intendencia Street
3. 1011 N. Reus Street
4. 600 Blk N. 6th Avenue
5. 710 N. 7th Avenue
6. 819 E. Jackson Street
7. N. Jefferson Street
8. 110 E. Garden Street
9. 627 E. Government Street – variance
10. 627 E. Government Street – demolition
11. 627 E. Government Street – conceptual review

speak once

12. 500 Bayou Boulevard

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT**)

Name (print)

Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

2. 313 W. Intendencia Street

3. 1011 N. Reus Street

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10. 627 E. Government Street – demolition

11. 627 E. Government Street – conceptual review

12. 500 Bayou Boulevard

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File #: 25-1051 | Architectural Review Board | 8/21/2025

LEGISLATIVE ACTION ITEM

SUBJECT:

627 E. Government Street
Pensacola Historic District / Zone HC-1 / City Council District 6
Variance

SUMMARY:

Brian Spencer is seeking approval to reduce the rear yard setback on Bayfront Parkway from 20' to 9' from the property line to allow a building height of 34' and to reduce the front yard setback on Government Street from 15' to 0' at the street edge. The next agenda item is demolition of the non-contributing structure, followed by conceptual review of the proposed new development.

Recommended Code Sections:
12-11-2(a)(2) Variances.
12-12-3(5)(b) Architectural Review Board, Duties.
12-3-10(1)e.1.i. Pensacola Historic District, Regulations and guidelines for any development within the historic zoning districts, Building height limit.
12-3-10(1)h.1. PHD, New construction in the historic district, Table 12-3.1 wood cottages district.

ATTACHMENTS:

1. Images
2. Variance_Application and Materials

627 E. Government Street





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) _____ **Zoning** _____

(To be Completed by Applicant)

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

Property Address: 627 E. Government St.

Current use of property: Office Building

1. Describe the requested variance(s): A variance is being requested to reduce the rear yard setback from 20' to 9' at elevated Level 2, elevated Level 3 balconies and 15' from the property line at the ground ~~level to allow a building height of 34'. A variance is being requested to reduce the front yard setback~~ from 15' from street edge to 7' at ground level and 0' at elevated Level 2, elevated Level 3

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:
The unusual trapezoid configuration of the site, combined with the Bayfront Parkway setback and Wood

Cottage setback restricts a "new" buildable footprint to 3,485 sf. Approx. 1/2 of the existing 3,350sf building footprint is WITHIN the boundaries of the prescribed buildable footprint.

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:

Adjacent and nearby property owners are rightfully "enjoying" similar variance conditions due to pre-existing non-conforming building locations.

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

The requested variances do not encroach on vehicular nor non-vehicular circulation nor request a superior position or vantage point respective to vistas and proximity to Pensacola Bay.

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

The existing building (requested to be demolished) is placed on the property with pre-existing, non-conforming conditions (setbacks) similar to what is being requested by the applicant as well as the site configuration and location at the edge of a major 'non-historic' scale highway and location at a dead end

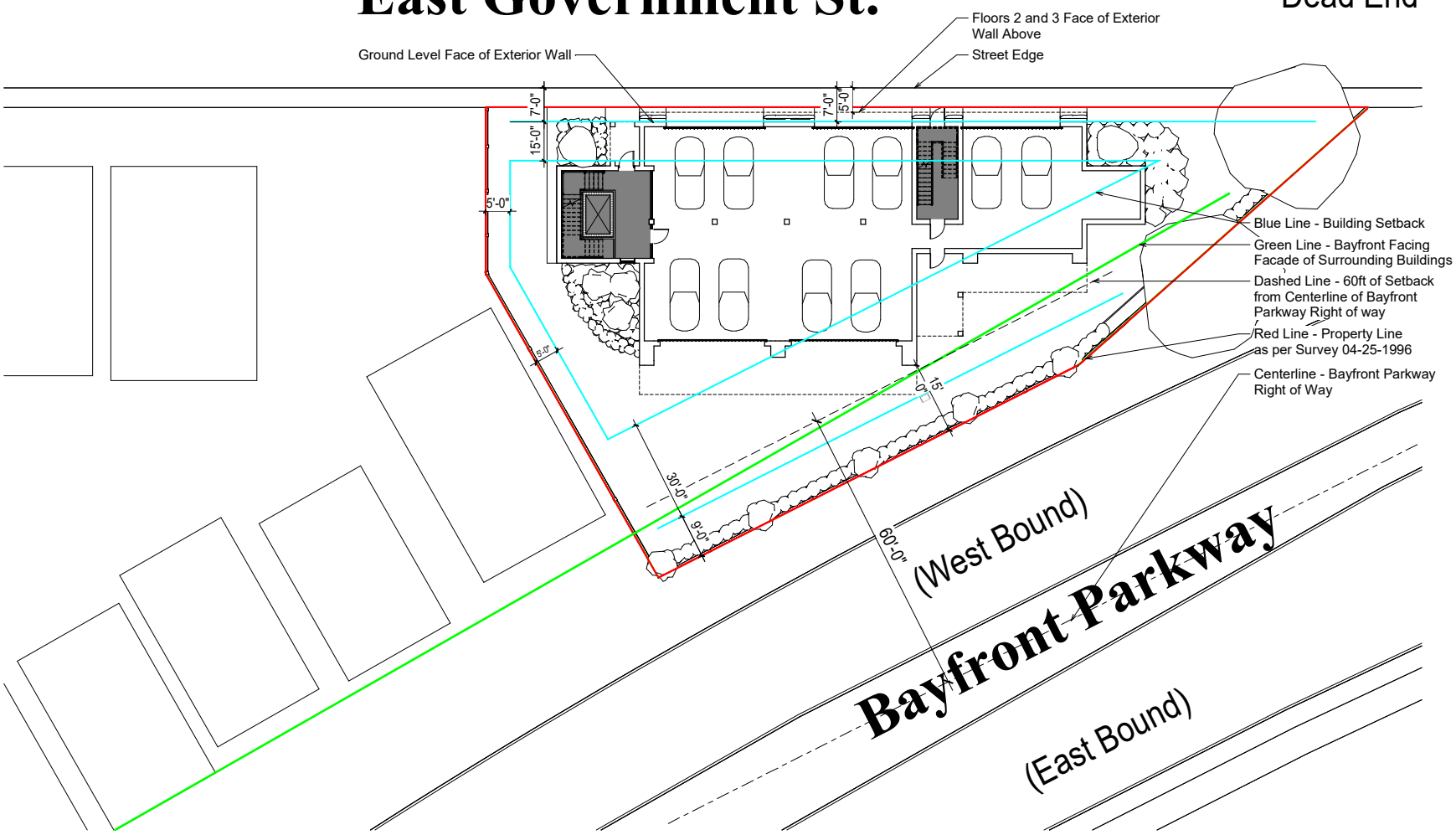
Application Date: 7/31/25

Applicant:	SMP Architecture		
Applicant's Address:	205 E. Intendencia		
Email:	Brian@smp-arch.com	Phone:	850-712-2612
Applicant's Signature:			
Property Owner:	Quarter Portions LLC		
Property Owner's Address:	627 E. Government St.		
Email:	Brian@smp-arch.com	Phone:	850-712-2612
Property Owner's Signature:	Under Contract by Brian Spencer		

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.

VARIANCE GRANTED BY THE BOARD OF ADJUSTMENT: The petitioner must secure a building permit and commence work within one hundred-eighty (180) days of the date of the granting of the variance, unless additional time is granted by the Board at that particular meeting.

JUDICIAL REVIEW OF DECISION OF THE BOARD OF ADJUSTMENT: If denied a variance by the Board, that request for a variance cannot be heard again for one year. The petitioner has thirty (30) days form the date of the meeting to appeal the decision according to Section 12-12-2 of the Land Development Code. Any person or persons, jointly or severally aggrieved by a decision of the Board may apply to the Circuit Court of the First Judicial Court of Florida. The Board, Building Inspector, or Attorney of the City of Pensacola must be notified of an appeal within five (5) days of the application being made to the Circuit Court. 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 Inspector that they have ten (10) days to remove or correct the violation.



1 C- Site Plan

A201 | A104

3/32" = 1'-0"

8' 4' 0' 8' 16'

8/6/2025 8:38:26 AM
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Consultant

No.	REVISION	DATE

Owner

TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

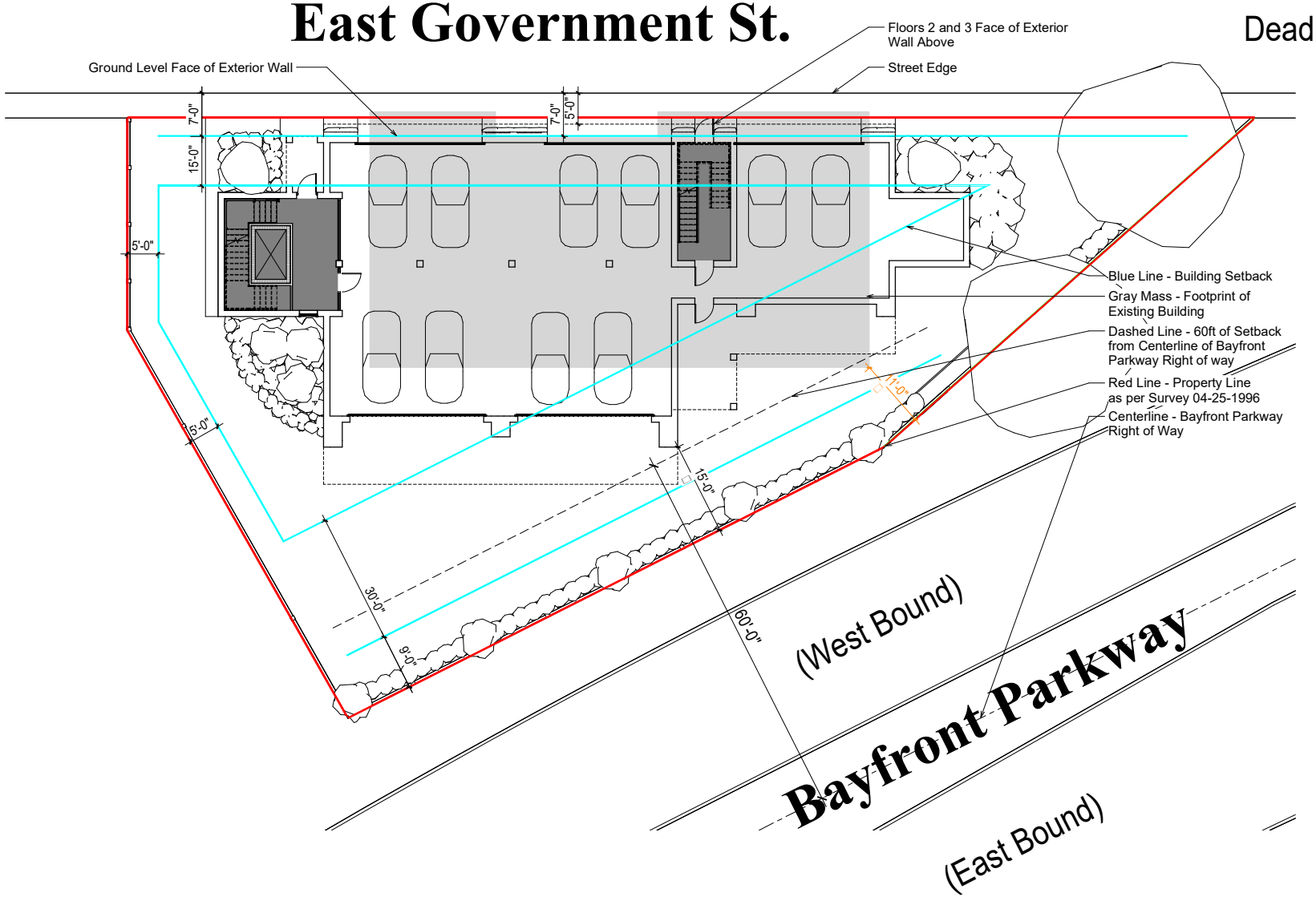
Project No. 0000

Date

Drawing Title: SITE PLAN

Drawing No. A104

DESIGN DEVELOPMENT - 07-17-2025



1 C- Set Back

A201 | A103

1/8" = 1'-0"

8' 4' 0' 8' 16'

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Owner

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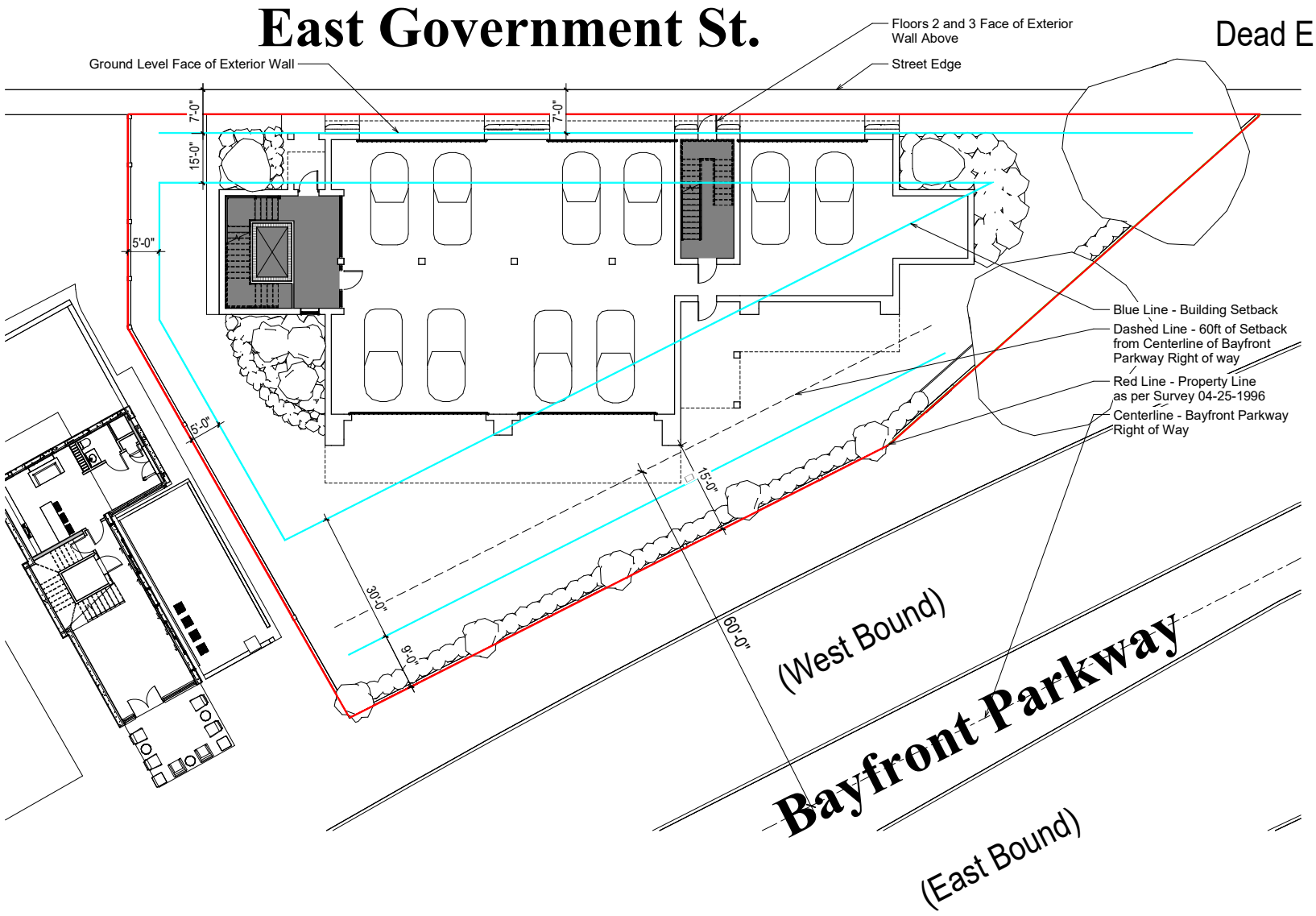
Project No. 0000

Date

Drawing Title: SET BACK

Drawing No. A103

DESIGN DEVELOPMENT - 07-17-2025



1 C- Ground Floor Plan

A201 | A101

1/8" = 1'-0"

8' 4' 0' 8' 16'

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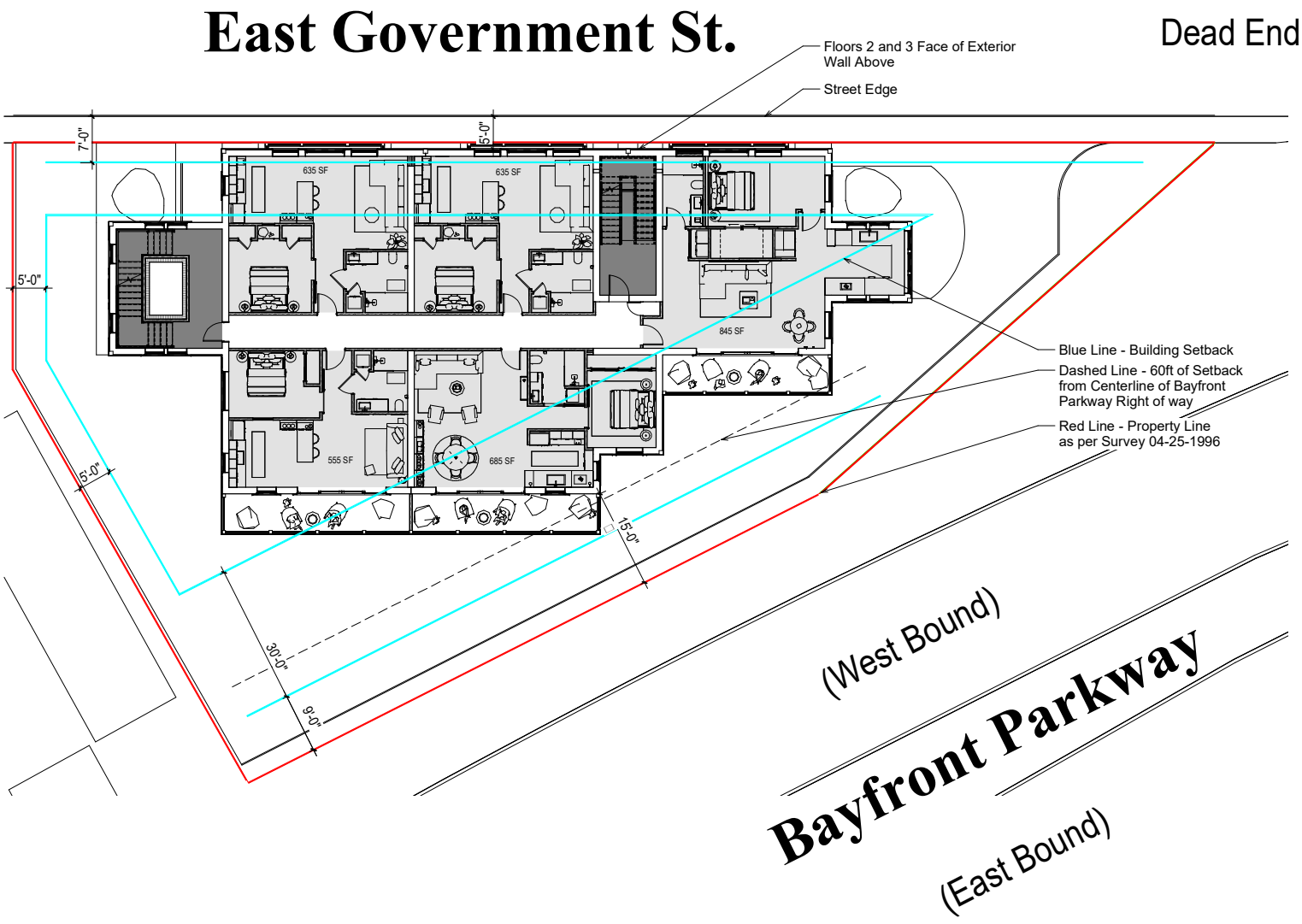
Project No. 0000

Date

Drawing Title: GROUND FLOOR PLAN

Drawing No. A101

DESIGN DEVELOPMENT - 07-17-2025



1 C-Floor Plan

A201 | A102

1/8" = 1'-0"

8' 4' 0' 8' 16'

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Date

Drawing Title: 1ST FLOOR PLAN

Drawing No. A102

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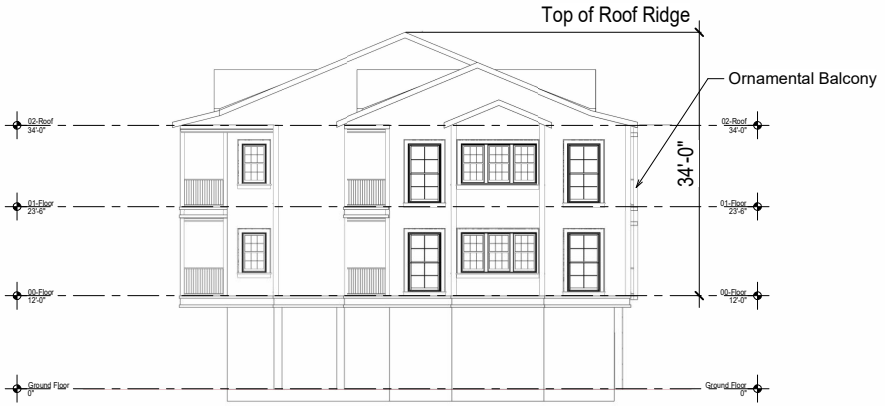
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1 EXTERIOR NEW WORK ELEVATION - NORTH -EAST GOVERNMENT ST

A101 A201 1/8" = 1'-0"

8' 4' 0' 8' 16'



2 EXTERIOR NEW WORK ELEVATION - EAST

A201 1/8" = 1'-0"

8' 4' 0' 8' 16'

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Project No. 0000

Date

Drawing Title
EXTERIOR ELEVATIONS

Drawing No.
A201

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1 EXTERIOR NEW WORK ELEVATION - SOUTH - BAYFRONT PARKWAY

A102 | A202 1/8" = 1'-0"

8' 4' 0' 8' 16'



2 EXTERIOR NEW WORK ELEVATION - WEST

A102 | A202 1/8" = 1'-0"

8' 4' 0' 8' 16'

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Project No. 0000

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Drawing Title
EXTERIOR ELEVATIONS

Drawing No.
A202

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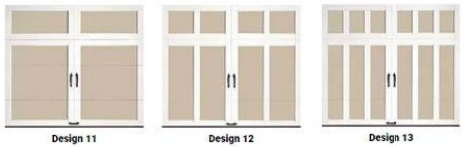






Door Designs

Series 1

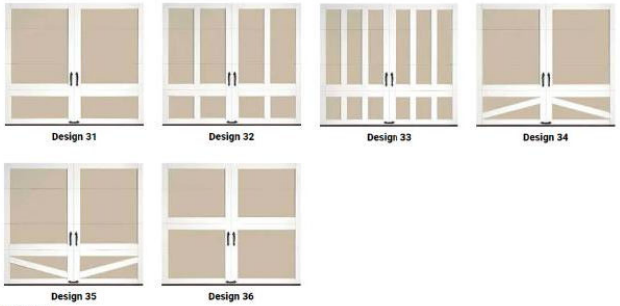


Click here to view Clopay Gallery Collection garage door looks

Series 2



Series 3



Series 4

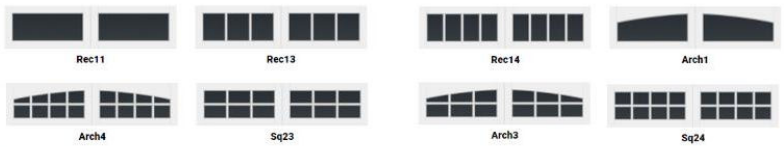


Top Sections

Windows



Solid Top Sections



Colors








PLEASE DO
NOT FEED
THE WILDLIFE
LOWE'S
IGLOO
ATM




WALBORSKY
PERSONAL

100 Block South Baylen

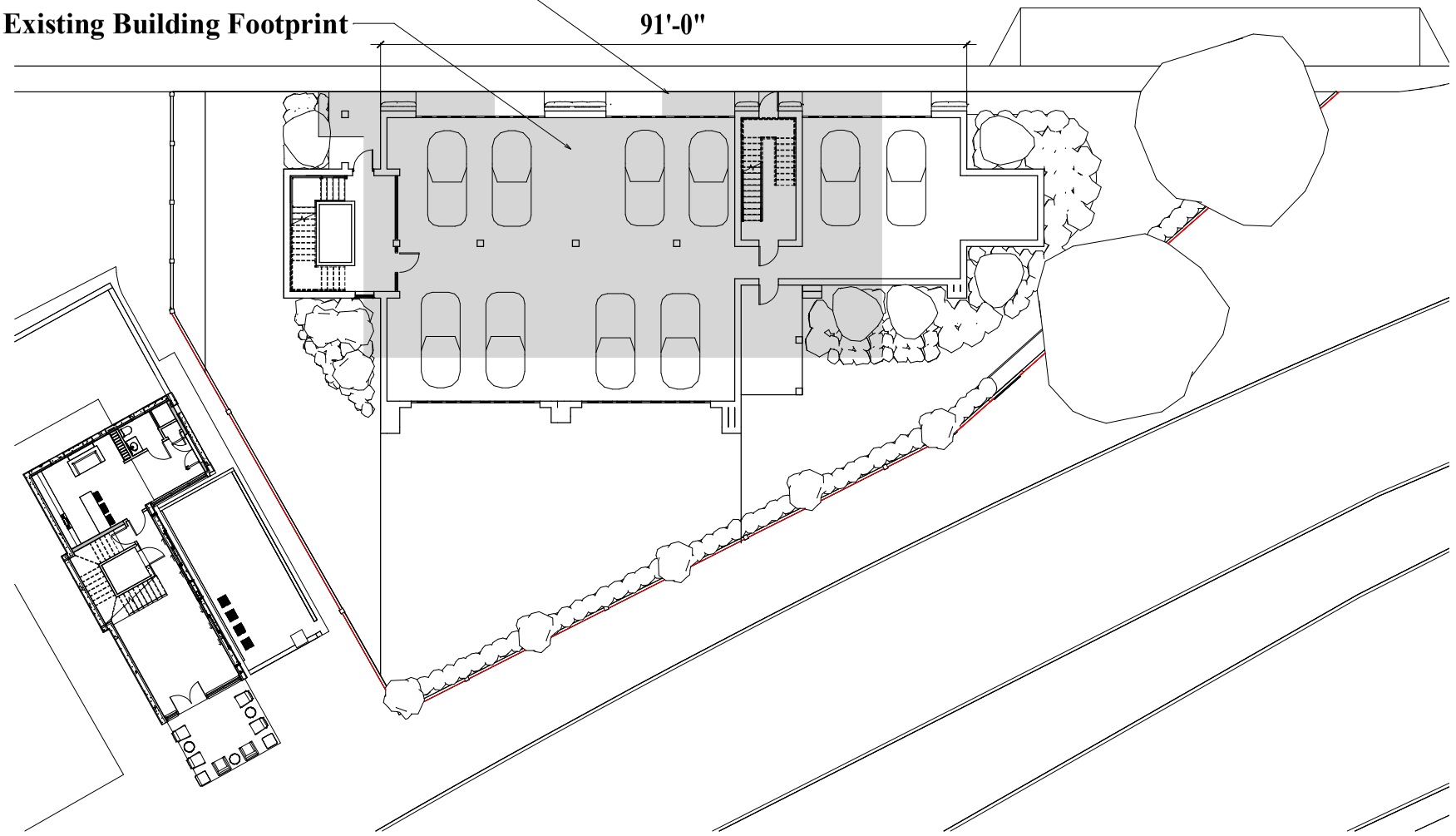
Precedent Image



Face of garage door

to edge of sidewalk





1 C- Site Plan
A201 | A106 1/8" = 1'-0"

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Consultant

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Owner

TRISTAN POINTE

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Project No. 0000

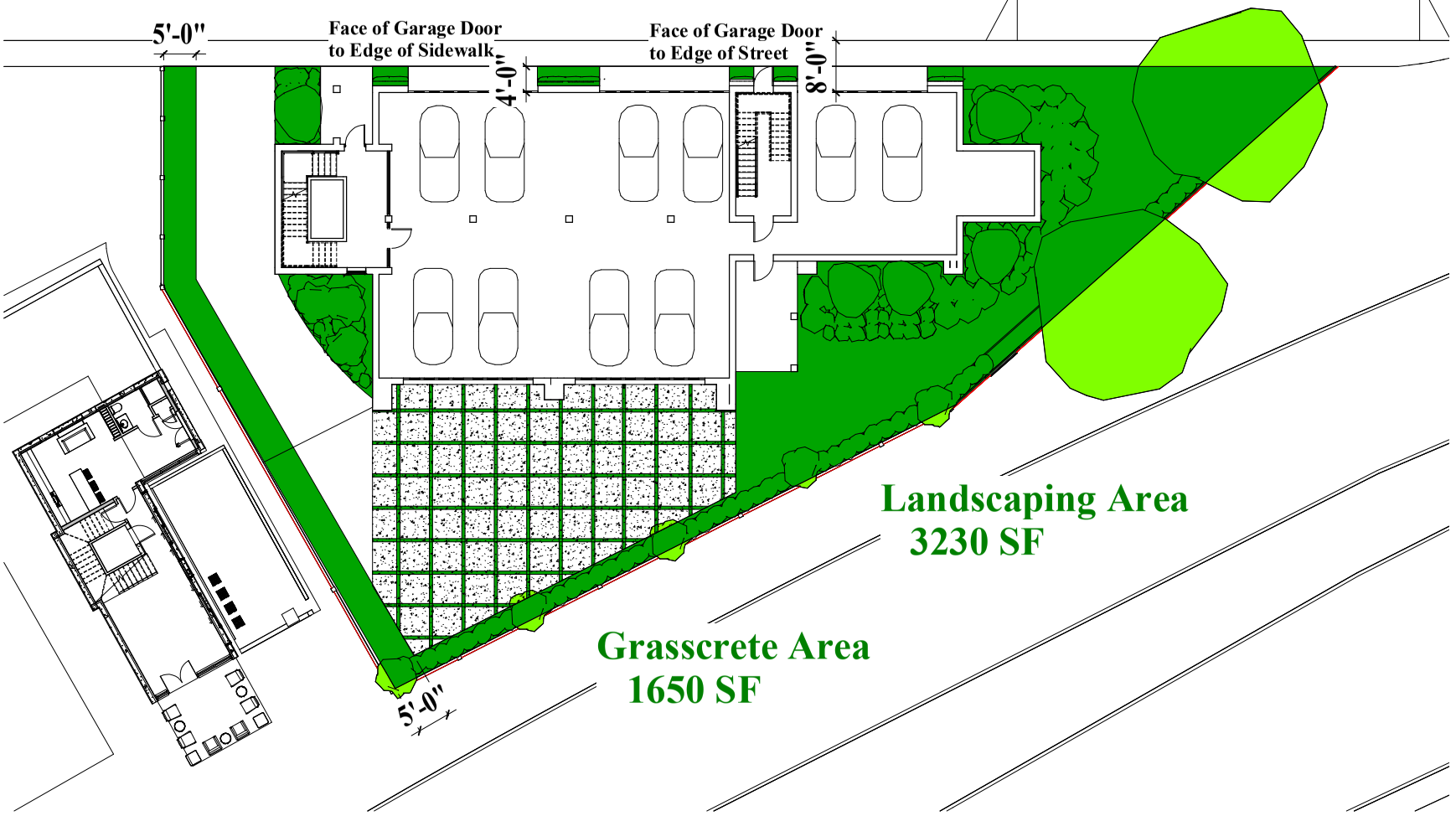
Date

Drawing Title SITE PLAN

Drawing No. A106

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1 | C- Site Plan

A201 | A 105 | 1/8" = 1'-0"

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TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

Project No. 0000

Date

Drawing Title: SITE PLAN

Drawing No. A105

DESIGN DEVELOPMENT - 08-21-2025

8/21/2025 11:51:46 AM
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To the Chair and Members of the Architectural Review Board:

My name is Rafael Simpson, and I live at 435 E. Zaragoza St., just a short walk from the project site at 627 E. Government St. In addition to being a neighbor, I am the owner of two Pensacola businesses: Harry Roy, a downtown dining establishment on S. Palafox, and Haus of Hue, a furnishings and design store on N. 9th Avenue.

I support this project because it removes a building that has no historic or architectural value and replaces it with a design that respects the scale and rhythm of the Seville Historic District. The new building will enhance the streetscape of E. Government St. and contribute positively to the neighborhood that I both live in and care about deeply.

Specifically, I support the applicant's request for the stipulated building setback variances, the demolition of the existing non-contributing structure, and the conceptual design approval of the proposed new building.

As a business owner, I understand the importance of maintaining high standards of design in our community. This project does exactly that — it elevates the historic district by introducing architecture that is compatible, thoughtful, and enduring.

I respectfully encourage the Board to approve this application.

Respectfully,

Rafael "Raf" Simpson

Resident, 435 E. Zaragoza St.

Owner, Harry Roy & Haus of Hue

Signature: _____

Date: 8/20/25

Printed Name: Raf Simpson

NAIPensacola

To the Chair and Members of the Architectural Review Board:

I am **DeeDee Davis, Broker/Owner of NAI Pensacola, located at 24 W. Chase St., Pensacola, FL 32502.** I have worked in the Pensacola real estate market for many years, including downtown and within the Seville Historic District.

I have reviewed the petition circulated in opposition to the project at **627 E. Government St.**, and I feel it is important to correct a false impression that this project would somehow diminish surrounding property values.

Specifically, I support the applicant's request for the **stipulated building setback variances**, the **demolition of the existing non-contributing structure**, and the **conceptual design approval** of the proposed new building.

In my professional judgment, replacing a **non-contributing structure** with a **new, architecturally compatible building** will **enhance the overall desirability and value of nearby properties.**
Well-designed infill of this kind is proven to strengthen historic neighborhoods by raising standards of design and contributing to a sense of stability.

Concerns about declining property values are unfounded. The market consistently rewards high-quality architecture, sensitive redevelopment, and investments that improve the streetscape — all of which this project provides.

As a broker who understands both the historic district and the broader Pensacola market, I can state with confidence that this project will **positively impact neighboring values**, not harm them.

Respectfully
submitted,
DeeDee Davis
Broker/Owner,
NAI Pensacola
24 W. Chase St., Pensacola, FL 32502

Signature: DeeDee Davis Date: 8-20-25

Printed Name: DeeDee Davis

24 West Chase Street Suite 100 | Pensacola, Florida USA 32502 | +1 850 433 0577 | naipensacola.com

To the Chair and Members of the Architectural Review Board:

I am **Kim Simpson**, a property owner residing at **434 E. Zaragoza St.**, in close proximity to the property at **627 E. Government St.**

As neighbors, we all want what is best for Seville. This project proposes to **demolish** a building that has long been out of place and replace it with one that is designed to fit more naturally into its surroundings. The proposed design is more in keeping with the scale, character, and materials found throughout the district.

I want to clarify something important: I originally signed a petition opposing this project, but that was because I was asked to sign without being shown any images or illustrations and felt pressured to add my name. Once I had the opportunity to see the actual plans and understand what is being proposed, I reconsidered my position. I have since **formally requested that my name be removed from the petition** and asked if I could instead submit this letter of support.

Specifically, I support the applicant's request for the **stipulated building setback variances**, the **demolition of the existing non-contributing structure**, and the **conceptual design approval** of the proposed new building.

The requested setback variances do not introduce new conditions — they reflect a long-standing pattern on this site. Approval of this application means replacing a structure that detracts from the neighborhood with one that is much more appropriate and lasting.

For these reasons, I respectfully encourage you to grant approval for the requested variances.

Sincerely,
Kim Simpson
434 E. Zaragoza St.
Pensacola, FL

Signature: _____ Date: 08202025

Printed Name: Kim simpson-Browne

To the Chair and Members of the Architectural Review Board:

As residents and property owners of two nearby residential properties (**181 S. 9th Ave.** and **535 E. Government St., Unit 3**), both of which are within walking distance of the proposed project at **627 E. Government St.**, we wish to express our strong support.

This proposal would replace a structure that has no architectural or cultural significance with a building that has been designed with care and sensitivity to the surrounding historic district. The proposed scale, proportions, and materials are consistent with the neighborhood and will contribute positively to the overall appearance of E. Government St.

Specifically, we support the applicant's request for the **stipulated building setback variances**, the **demolition of the existing non-contributing structure**, and the **conceptual design approval** of the proposed new building.

Approving this project will result in a more compatible and lasting improvement to the historic district and reinforce the character of Seville as one of Pensacola's most treasured neighborhoods.

With respect,
Robert Boothe
Lauren Hayward-Boothe

Signature: _____ Date: 8-13-2025

Printed Name: Robert Boothe

Signature: _____ Date: 8-13-2025

Printed Name: Lauren Hayward-Boothe

Letter of Support / ARB Application for 627 E. Government Variance

To: City of Pensacola Architectural Review Board Chair & Members

My name is **Blake Rushing**, and I live just a stone's throw from the proposed project site at **627 East Government Street**. My wife and I deliberately chose to make our home in the **Seville Historic District** so that we could live in a walkable, mixed-use neighborhood — close to my downtown restaurant, where I serve as Executive Chef, and close enough that I can be present with my wife and children.

The Seville District offers a unique blend of historic character, neighborhood vitality, and access to public spaces like **Seville Square** and **Admiral Mason Park**, as well as the nearby **Pensacola Bayfront walking and biking paths**. These are the qualities that drew us here — and they are the same qualities that this proposed development will strengthen.

I understand that the applicant is requesting a **setback variance** to allow this project to move forward. I support this request because the design is **thoughtful, compatible with the scale of surrounding structures, and respectful of the historic district's character**. Rather than leaving an **underutilized building** in place, this project will introduce well-designed housing that enhances both the visual and functional fabric of the block.

From the perspective of both a father and a business owner, I see this project as a clear improvement: **more residents living downtown means safer streets, more support for local businesses, and a stronger sense of community.** It is exactly the kind of investment that reinforces Pensacola's long-term vitality while honoring its past.

I am proud to add my name in support of this project, and I respectfully encourage your approval of the **building setback variance request as well as the conceptual design.**

Sincerely,

Blake Rushing (Printed Name)

Date: 8/20/25

I respectfully submit this letter of support to the Chair of the ARB and to all of the ARB members.

If I may introduce myself;

I am a resident of 433 E Zarragoza Street for 2 years, and own a historic building downtown.

I am a resident of Pensacola for 45 years, and have lived in the downtown area for over 10 years.

I also serve on the UWF Historic Board.

In behalf of Brian Spencers submittal today ;

I fully support this submittal and would ask for approval of the building setback variance request, as well as the demolition of the existing building on said property.

I believe it will be an improvement both aesthetically and will fill the need for more housing downtown for young professionals. I believe this is responsible growth.

I also believe Brian Spencer is a responsible and upstanding citizen and architect, who cares deeply about the historic values of our community and has vision with sensitivity to the current and future needs of Pensacola.

I fully support the conceptual approval of 627 E Government Street.

Respectfully,

Teri Levin

Dear Brian,

You have my permission to share this letter of support for the Demolition, Building Setback Variances, and Conceptual Approval with the ARB chair and Board members at the ARB meeting on August 21, 2025. I wish I was able to voice my support in person, but I hope my opinion as a former ARB member is helpful for your project.

I believe the proposed project results in new building massing that is substantially similar to the existing non-conformity along the Bayfront frontage and actually reduces the existing non-conformity along the Government frontage.

I also believe the site presents unique conditions unlike any other site in the District and the setbacks as defined by the LDC would preclude the construction of a usable footprint for infill housing, for which the City has expressed an ongoing need. Furthermore, infill housing is the most appropriate use of the site given the residential fabric of this dead end street and the design will be a great addition to the DIstrict. Finally, I believe the variance criteria have been demonstrated as outlined by the LDC.

Thanks,

Jordan Yee

File #: 25-1399 City Council 10/22/2025

LEGISLATIVE ACTION ITEM

SPONSOR: Council President Jared Moore

SUBJECT:

LEGISLATIVE HEARING - REVIEW OF ARCHITECTURAL REVIEW BOARD (ARB) DECISION - DEMOLITION REQUEST - 627 E. GOVERNMENT ST.

RECOMMENDATION:

That City Council conduct a legislative hearing on October 22, 2025, for the purpose of reviewing a decision made by the ARB concerning a demoliton request at 627 East Government Street. Further, that City Council either affirm the ARB decision, reverse the ARB decision, or vacate the decision and remand back to the ARB for rehearing.

HEARING REQUIRED: Public Hearing Required

SUMMARY:

On August 21, 2025, the ARB received a request for demolition, File #25-1052 for 627 E. Government St. The request was seeking approval to demolish a non-contributing structure to allow for the development of a multifamily residential structure. The 6,966 sf. structure was built in 1981 and did not require replacement plans to be provided.

After hearing the item, a proper motion and second was made to approve the request. The motion passed 4-1 with one member vacancy and one recusal.

PRIOR ACTION:

August 21, 2025 -- ARB meeting

September 5, 2025 -- Timely petition for review filed

FUNDING:

N/A

FINANCIAL IMPACT:

None

LEGAL REVIEW ONLY BY CITY ATTORNEY: No

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

1. Petition for Review - Ltr Petition and Exhibits - City of Pensacola ARB
2. ARB Meeting Minutes August 21, 2025
3. 627 E. Government Street_Complete Packet_demo
4. 627 E. Government Street_supplemental information shared at meeting

PRESENTATION: No

(850) 460-1601
meredith@meredithbushlaw.com
314 S. Baylen Street, Suite 108, Pensacola, Florida 32502
www.meredithbushlaw.com

MEREDITH BUSH LAW

September 5, 2025

VIA E-MAIL ONLY –
EBurnett@cityofpensacola.com
City Council of the City of Pensacola
c/o Ms. Ericka Burnett, City Clerk
222 W. Main Street
Pensacola, Florida 32502

RE: Petition for Review and Request for Hearing Pursuant to § 12-12-3(13), LDC; Action by Architectural Review Board in Case Nos. 25-1051, 25-1052, and 25-1053 on August 21, 2025.

Dear Honorable Council Members and Ms. Burnett:

Please find enclosed, on behalf of my clients Crown Cove HOA, Seville Place HOA, Christopher Carroll, Ilona Stephens, and Kevin Stephens, a Petition for Review of the Architectural Review Board's approvals in Case Nos. 25-1051, 25-1052, and 25-1053 regarding 627 East Government Street.

As explained in the Petition, we respectfully request that City Council vacate the ARB's actions and grant a de novo rehearing to ensure compliance with the Land Development Code, Historic District Guidelines, and residents' right to meaningful participation.

We ask that this matter be placed on the Council's agenda for consideration. Please contact me with any questions.

Respectfully submitted,

Meredith D. Bush
MEREDITH BUSH LAW

Enclosures
Cc: City Attorney, Adam Cobb at ACobb@cityofpensacola.com
Applicant, Brian Spencer at Brian@smp-arch.com

CITY OF PENSACOLA
CITY COUNCIL

In RE:

CROWN COVE HOA,
SEVILLE PLACE, HOA,
CHRISTOPHER CARROLL,
ILONA STEPHENS, and
KEVIN STEPHENS,
Petitioners/ Affected Property Owners/Intervenors.,

v.

ARCHITECTURAL REVIEW BOARD
CITY OF PENSACOLA,
Respondent.

ARB FILE Nos: 25-1051, 25-1052, and 25-1053
Property Address: 627 E Government Street
Property Reference: 00-0S-00-9001-001-101

NOTICE OF APPEARANCE AND PETITION FOR REVIEW

NOTICE IS GIVEN that Meredith D. Bush of the law firm Meredith Bush Law hereby enters her appearance as counsel for Petitioners/Affected Property Owners/ Intervenors, CROWN COVE HOA, SEVILLE PLACE, HOA, CHRISTOPHER CARROLL, ILONA STEPHENS, and KEVIN STEPHENS, (hereinafter "Petitioners") and requests that the parties hereto provide them with copies of any and all pleadings, notices or orders which are filed or served in this case.

Petitioners, by and through their undersigned attorney, pursuant to § 12-12-3(13) of the Land Development Code, hereby respectfully submit this Petition for Review to City Council of action taken by the City of Pensacola Architectural

Review Board ("ARB") in Case Nos. 25-1051, 25-1052, and 25-1053 on August 21, 2025.

I. INTRODUCTION

This petition arises from the ARB's approval of three related applications concerning the property located at 627 East Government Street**,** a parcel situated within the Pensacola Historic District (HC-1) at the eastern terminus of East Government Street, immediately adjoining Crown Cove and abutting Bayfront Parkway.

The applicant, Brian Spencer through SMP Architecture on behalf of Quarter Portions LLC, sought (1) a variance to reduce front and rear yard setbacks to accommodate a three-story, thirty-four-foot multifamily structure; (2) demolition of the existing 6,966 square-foot structure built in 1981, classified as non-contributing; and (3) conceptual approval for new multifamily residential construction consisting of ten units elevated above first-floor parking.

Each of these approvals was granted despite the applications being incomplete and lacking the evidentiary foundation required by law. In addition to these substantive deficiencies, the proceedings were marred by serious procedural violations, including hearing the variance before the demolition, restricting public comment to "evidentiary" issues, denying opponents the opportunity to cross-examine, and relying on unsworn testimony in a quasi-judicial hearing. By approving the applications under these circumstances, the ARB acted arbitrarily and capriciously, failed to ensure compliance with the Pensacola Land Development Code and Historic District Guidelines, and

deprived adjacent property owners of due process and a meaningful opportunity to be heard. Review is warranted because the ARB's actions were unlawful, not supported by competent substantial evidence, and constitute reversible error.

II. STANDING

Petitioners are directly affected by the Architectural Review Board's approval of redevelopment at 627 East Government Street. Each Petitioner either owns property immediately adjacent to the subject site or represents homeowners whose residences directly front or adjoin the parcel. The proposed ten-unit, three-story multifamily project with reduced setbacks will impose adverse impacts including loss of privacy, incompatibility of scale, traffic congestion, and diminished neighborhood character.

A. *Crown Cove HOA*

The Crown Cove Owners Association, Inc. ("Crown Cove HOA") represents residents whose lots directly abut or share access with the subject parcel via East Government Street. Its members will suffer increased traffic, safety risks, and adverse effects on property value and enjoyment.

B. *Seville Place HOA*

The Seville Place Homeowners' Association, Inc. ("Seville Place HOA") represents residents directly across East Government Street from the subject

property. Its members will face overshadowing, loss of privacy, and incompatibility with the modest cottage-scale of the subdivision.

C. *Christopher Carroll*

Petitioner Christopher Carroll, owner of 612 E Government Street, holds a parcel that lies across the street from the site and in immediate proximity to the proposed development. He will be directly impacted by parking, traffic, compatibility, property values, and changes to the character of the neighborhood.

D. *Ilona Stephens*

Petitioner Ilona Stephens, owner of 607 and 617 Crown Cove, holds a parcel directly abutting the site. She will experience the most immediate harm, including overshadowing from a thirty-four-foot structure and traffic congestion at her sole point of ingress and egress.

E. *Kevin Stephens*

Petitioner Kevin Stephens, owner of 603 and 605 East Government Street, holds properties directly across from the subject parcel. He will be directly impacted by scale, traffic, and loss of compatibility with the surrounding historic neighborhood.

Florida law affords standing where property owners and associations demonstrate a substantial, particularized interest beyond that of the general

public. See *Renard v. Dade County*, 261 So.2d 832 (Fla. 1972). Petitioners meet this standard as adjoining owners and associations whose members will suffer concrete harms unique to their proximity to the subject parcel. Accordingly, Petitioners are aggrieved and adversely affected parties with full standing to seek reversal of the ARB's decision.

III. PROCEDURAL AND DUE PROCESS VIOLATIONS

Both the United States and Florida Constitution guarantees that no person shall be deprived of property without due process of law. As property owners whose interests will be directly and substantially affected by the ARB's decision on the subject applications, Petitioners are entitled to meaningful due process protections. See U.S. Const. amend. XIV; Art. I, §9, Fla. Const.

In addition to the substantive deficiencies of the applications, the record reveals multiple procedural violations that deprived Petitioners of due process in what was required to be a fair, quasi-judicial proceeding. Florida courts have consistently held that such hearings must adhere to the fundamental protections of notice, the opportunity to be heard, sworn testimony, and the right to test and challenge evidence. See *Lee County v. Sunbelt Equities, II, Ltd.*, 619 So.2d 996 (Fla. 2d DCA 1993); *Jennings v. Dade County*, 589 So.2d 1337 (Fla. 3d DCA 1991).

Quasi-judicial hearings must provide notice, an opportunity to be heard, sworn testimony, and the right to cross-examine witnesses. Procedural fairness is essential to ensure that decisions are not arbitrary or capricious. *Lee County*

v. Sunbelt Equities, II, Ltd. Partnership, 619 So. 2d 996; *Mary M. Barrett, Appellant, v. City of Gulfport, Florida, Office of Code Enforcement*, Appellee., 2013 Fla. ENV LEXIS 124, 2014 Env't Rep. Cur. Dev. (BNA) § FALR, Case No. 12-000052AP-88A.

Case law has held that a proceeding is not quasi-judicial where there "was no sworn testimony, no witnesses, no examination or cross-examination, no transcript, and no order containing findings and conclusions." *Connor v. Town of Palm Beach*, 398 So. 2d 952, 954 (Fla. 4th DCA 1981) (holding that proceeding was not quasi-judicial in nature despite the fact that the petitioner's attorney addressed the board at a public meeting on petitioner's issue and introduced a deposition and hospital records. Id. at 952-53.).

Here, the ARB disregarded those principles by proceeding in an illogical and prejudicial order, by relying on unsworn testimony and written letters without affording cross-examination, and further compounding the due process violations by refusing to allow affected parties the opportunity to also submit written statements in the form of a petition, and by improperly restricting and chilling public comment. The transcript confirms these errors, and together they render the ARB's action arbitrary, capricious, and unsupported by competent substantial evidence. See Transcript of Hearing attached as **Exhibit A**.

A. Improper Order of Proceedings

The Architectural Review Board proceeded in reverse order by hearing and voting on the variance request before the demolition application, despite the

applicant himself objecting that such sequencing was illogical. As Mr. Spencer stated: *"if a demo isn't approved … then there's no reason to talk about a variance."* (Page 6, Transcript). Staff confirmed that there was no binding procedural requirement to hear the variance first; it was simply "typically the order we've taken it." (Page 5, Transcript). This sequencing prejudiced opponents and confused the record, as the viability of a variance depended on whether demolition would be approved. Florida courts have emphasized that quasi-judicial boards must conduct proceedings in a manner that safeguards fairness and logic. By addressing the variance prematurely, the Board effectively assumed demolition approval and deprived opponents of the ability to argue the interrelated issues in a coherent order. This constitutes a procedural irregularity undermining the validity of the decision.

B. ***Unsworn Testimony and Lack of Cross Examination***

The transcript reveals that witnesses, including the applicant, were not placed under oath before testifying, and the Board did not permit any opportunity for opponents to cross-examine the applicant's claims. Instead, the Chair accepted unsworn narrative testimony and letters of support as "evidence" of compatibility and property value impacts. In *Lee County v. Sunbelt Equities, II, Ltd.*, 619 So.2d 996 (Fla. 2d DCA 1993), the court held that quasi-judicial bodies must observe the essentials of due process, **including sworn testimony and the right to cross-examine witnesses**. The failure to administer oaths here violates that standard and renders the testimony incompetent as a matter of law.

Without sworn evidence, the Board lacked a lawful evidentiary basis to support its findings, and by denying opponents the ability to test the credibility of assertions regarding hardship, compatibility, and property values, the Board deprived affected parties of fundamental fairness.

C. ***Restriction of Public Comment***

The Chair further constrained participation by instructing residents that *"the role of the public … is limited"* (Page 7, Transcript) and that testimony must be confined strictly to "evidentiary" matters tied to the variance criteria. As a result, at least one resident declined to speak, stating that he had only "commentary" and not "evidence" and therefore felt barred from meaningful participation. This restriction chilled public input and excluded concerns regarding neighborhood impacts, quality of life, and historic district character—matters that are relevant under the Land Development Code's compatibility criteria. In *Jennings v. Dade County*, 589 So.2d 1337 (Fla. 3d DCA 1991), the court held that due process in quasi-judicial hearings requires **meaningful public participation and prohibits arbitrary limitations that undermine the fairness of the proceeding**.

While it is true that quasi-judicial decisions must ultimately be based on competent, substantial evidence demonstrating whether the criteria for approval are met, the proceedings remain public meetings, and the general welfare of the community is always a legitimate consideration. Accordingly, the ARB cannot prohibit or restrict public comment, as residents have the constitutional right to

petition their government, express their views, and inform decision-makers of their concerns, needs, and perspectives. The ARB should have allowed all testimony and given the testimony the appropriate weight based on its content rather than discourage residents from speaking. The ARB's imposition of content-based restrictions on speech in this setting runs afoul of the First Amendment, which protects not only the right to speak but also the right to seek redress of grievances from government bodies.

By narrowing the scope of permissible public comment and discouraging testimony, the ARB violated this standard and deprived affected homeowners and associations of their statutory right to be heard.

Together, these procedural defects—illogical sequencing, reliance on unsworn testimony without cross-examination, and unlawful restrictions on public participation—constitute due process violations that warrant reversal of the ARB's decision.

IV. FAILURE TO APPLY QUASI-JUDICIAL STANDARDS

As outlined above, quasi-judicial proceedings, such as variance hearings before the Architectural Review Board, are governed by the fundamental principles of due process. Florida law requires that such hearings provide notice, a fair opportunity to be heard, sworn testimony, and the right to challenge and test evidence. See *Jennings v. Dade County*, 589 So.2d 1337 (Fla. 3d DCA 1991). In addition, because these proceedings involve the application of specific statutory and code-based criteria, the applicant bears the burden of

presenting competent, substantial evidence to demonstrate that each required factor is satisfied. See *Bd. of Cnty. Comm'rs of Brevard Cnty. v. Snyder*, 627 So.2d 469 (Fla. 1993). The reviewing board, in turn, **must make explicit findings of fact tied to those criteria to permit judicial review**. See *City of Apopka v. Orange Cnty.*, 299 So.2d 657 (Fla. 4th DCA 1974). Failure to follow these standards renders the proceedings legally deficient and the resulting decision subject to reversal.

A. Variance Criteria Ignored

The record shows that the Architectural Review Board failed to properly apply the statutory criteria governing variances. Board member Ramos acknowledged the obligation, stating: *"as a board, we have to go through the variance criteria, make sure that it meets each of the criteria."* (Page 17, Transcript). Yet when pressed, the applicant candidly admitted, *"I don't have the list in front of me."* (Page 17, Transcript). Instead of addressing each factor with evidence, the applicant proceeded with a narrative based on generalized assertions, such as the lot's shape and the presence of Bayfront Parkway, without providing professional surveys, hardship analyses, or alternatives studies. This is inadequate under Florida law, which requires applicants to prove each variance element with competent, substantial evidence. See *Maturo v. City of Coral Gables*, 619 So.2d 455 (Fla. 3d DCA 1993) (holding that self-created conditions do not constitute hardship). By proceeding without reference to or

analysis of the governing criteria, the applicant failed to meet his burden, and the Board erred in granting the variance on such an insufficient record.

B. ***Unequal Treatment of Written Statements Violated Fundamental Fairness***

The Architectural Review Board compounded its procedural errors by accepting into the record unsworn written statements of support offered by the applicant, while simultaneously discrediting and refusing to give weight to a petition signed by multiple members of the community in opposition. As reflected in the transcript, the applicant was permitted to read letters from absent supporters into the record, and the Board accepted these documents as "evidence," even though they were **hearsay, unsworn, and not subject to cross-examination**. By contrast, when presented with a petition signed by neighborhood residents, the Board dismissed its probative value, questioning whether signatures were informed or valid, and ultimately refusing to accord it any weight.

This disparate treatment violated fundamental fairness. There was no evidentiary assurance that the letters introduced by the applicant were written by the individuals named or reflected their genuine, informed views—yet they were treated as competent evidence. Conversely, the Board refused to recognize a community petition that bore actual signatures of identifiable residents. In quasi-judicial proceedings, due process requires that evidence be admitted and weighed consistently, and that both sides be afforded equal opportunity to present their case. See Lee County v. Sunbelt Equities, II, Ltd., 619 So.2d 996

(Fla. 2d DCA 1993). By crediting one-sided, unsworn hearsay while discrediting community opposition expressed through a petition, the Board arbitrarily skewed the evidentiary record in favor of the applicant. This selective acceptance of evidence undermines the integrity of the proceeding and further demonstrates that the decision was not based on competent substantial evidence.

C. No Staff Findings

The record reflects that there was no evidence or testimony from City Planning staff evidencing any review or recommendation of approval, nor was there any evidence that staff conducted an analysis or found that the application satisfied the required variance criteria. Likewise, the applicant provided no testimony or evidence addressing each of the individual variance standards but instead relied solely on his own narrative and request for relief. The ARB's decision, therefore, was based entirely on the applicant's assertions rather than on competent, substantial evidence grounded in professional planning review or accepted land use practices.

D. No Findings of Fact

Compounding this deficiency, the Architectural Review Board issued no written findings of fact connecting its decision to the variance criteria. The transcript shows no motion or resolution that articulated how the applicant satisfied the required factors; rather, the vote occurred without detailed discussion or reference to the standards. Florida courts have made clear that the

absence of findings is reversible error. In *City of Apopka v. Orange Cnty.*, 299 So.2d 657 (Fla. 4th DCA 1974), the court held that quasi-judicial bodies must articulate findings of fact sufficient to permit judicial review; otherwise, their decisions are arbitrary and capricious. Similarly, in *Lee County v. Sunbelt Equities, II, Ltd.*, 619 So.2d 996 (Fla. 2d DCA 1993), the court stressed that unsworn assertions and conclusory statements cannot substitute for competent evidence tied to statutory criteria. Courts emphasize that quasi-judicial decisions must produce a record sufficient for judicial or appellate review. The absence of staff reports, findings of fact, sworn testimony, or analysis tied to criteria deprives reviewing bodies of the ability to determine whether standards were met. Here, the ARB's failure to adopt findings deprived Petitioners of the ability to understand the basis of the decision and deprive City Council of a record adequate for review. This omission alone warrants reversal.

V. SUBSTANTIVE FAILURES TO MEET VARIANCE CRITERIA

Under Florida law, a variance is an extraordinary remedy granted only when the applicant demonstrates with competent, substantial evidence that each statutory and code-based criterion is satisfied. See *Bd. of Cnty. Comm'rs of Brevard Cnty. v. Snyder*, 627 So.2d 469 (Fla. 1993). The applicant carries the burden of proof, and failure to meet even one element requires denial. The transcript of the August 21, 2025 hearing reflects that Board members were aware of this duty, yet proceeded with unsupported narrative testimony rather

than competent evidence tied to each factor. This omission, compounded by the Board's failure to make written findings, renders the variance approval unlawful.

§ 12-11-2(a)(2) of the Land Development Code establishes the criteria which must be met for approval of a variance which must not be "contrary to the public interest" and when a literal enforcement of the provisions of the Code would result in "unnecessary and undue hardship." Pursuant to this section, the ARB must make specific findings on each of the following criteria:

1. That 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;

2. That the special condition and circumstances do not result from the actions of the applicant;

3. That 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;

4. That 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 cause unnecessary and undue hardship on the applicant;

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

6. That 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;

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.

A. Hardship Not Established

Here, the applicant argued that the triangular configuration of the lot and the presence of Bayfront Parkway setbacks created a hardship justifying relief. He also pointed to existing non-conforming structures as precedent for granting similar treatment. However, Florida courts have held that hardship cannot be established by self-created or foreseeable conditions. In *Maturo v. City of Coral Gables*, 619 So.2d 455 (Fla. 3d DCA 1993), the court rejected a claim of hardship where the owner purchased a constrained parcel knowing its limitations. It found that variances could only be granted for unique hardships, distinct from those of adjoining property owners in the same zoning district, and which arose from circumstances peculiar to the realty alone and **unrelated to the conduct or to the self-originated expectations of any of its owners or buyers**. Courts have held that a legal hardship will be found to exist **only** in those cases where the property is **virtually unusable or incapable of yielding a reasonable return** when used pursuant to the applicable zoning regulations.

Here, the applicant is seeking to develop the property under contract with full knowledge of its shape, zoning, and setback requirements. The transcript shows no professional evidence—such as a planning or engineering report—substantiating that the lot's configuration rendered compliance impossible. Instead, the applicant relied on generalized statements and his preferred design. This does not satisfy the hardship standard under Florida law.

B. Minimum Variance Not Demonstrated

Further, the applicant sought to reduce the rear setback from 20 feet to 9 feet and the front setback from 15 feet to zero at upper levels. Yet no evidence was presented to show that these reductions represented the "minimum variance necessary" to afford relief. See LDC §12-11-2(a)(2)(5). The transcript contains no testimony addressing why alternative designs—such as reducing the unit count, adjusting building mass, stepping back upper floors, or redesigning the footprint—were infeasible. Instead, the applicant pressed forward with a preferred design without analysis of less intrusive options. The application itself notes that there is an existing buildable footprint of 3,485 square feet. Application attached as **Exhibit B**.

Florida courts have held that variances cannot be granted for convenience or preference; the applicant must prove that lesser adjustments are inadequate. The absence of such evidence here, and the applicant's own evidence that there is a buildable footprint of 3,485 square feet, demonstrate that the minimum variance standard was not met.

C. *Incompatibility with District*

The applicant also failed to establish compatibility with the Historic District, particularly the Wood Cottages subdistrict where small-scale detached residential development sets the prevailing character. See LDC §12-3-10. When confronted with significant neighborhood opposition, the applicant conceded: *"Obviously, the group … feels very differently."* (Page 20, Transcript). The

transcript reflects that numerous residents spoke against the project, citing its excessive scale, massing, and inconsistency with historic character. No professional evidence—such as an architectural compatibility study or district analysis—was introduced to rebut these concerns. There was no testimony from staff addressing the compatibility with the district. In fact, there was no presentation by staff related to findings on any of the enumerated criteria or on any of the applications. Instead, the applicant relied on subjective assurances and a handful of letters of support. This does not constitute competent, substantial evidence of compatibility. Florida law requires that new development harmonize with surrounding uses; where opposition is supported by credible, site-specific testimony and no contrary expert evidence is offered, the applicant's burden is not met.

D. Insufficient Evidence on Public Welfare

Finally, the applicant failed to demonstrate that the proposed variances would not be detrimental to public welfare. The only evidence offered on property values was a single letter constituting unsworn, hearsay and not subject to cross-examination from a real estate broker claiming that the project would raise neighborhood values. Against this, multiple residents testified under oath about the likely adverse impacts on property values, traffic congestion, safety, and quality of life. The transcript shows that the ARB did not weigh this conflicting testimony or require additional evidence from the applicant. Florida courts have held that conclusory statements or isolated letters of support do not

rise to the level of competent, substantial evidence. See *City of Apopka v. Orange Cnty.*, 299 So.2d 657 (Fla. 4th DCA 1974). By relying on such scant evidence while disregarding substantial neighborhood testimony, the ARB erred in concluding that the public welfare criterion was satisfied. Again, there was no testimony or any evidence presented in the record establishing this criterion was met.

Together, these deficiencies—failure to establish hardship, failure to prove the minimum variance necessary, failure to demonstrate compatibility with the district, and failure to show no detriment to public welfare—demonstrate that the variance application did not meet the legal standards required by the Land Development Code and Florida law.

VI. DEMOLITION AND CONCEPTUAL APPROVALS ARE TAINTED

The demolition and conceptual approvals granted by the ARB cannot be sustained because they are inseparably tied to the variance proceeding, which itself failed to comply with Florida law and the City's Land Development Code. The variance was heard and decided first—over the applicant's own objection that such sequencing was illogical—and that premature ruling became the predicate for all that followed. Without a valid variance, the proposed site plan and massing on which both the demolition and conceptual approvals rested collapse entirely.

In addition, the demolition and conceptual hearings were conducted on the same defective record: unsworn testimony, denial of cross-examination,

restrictions on public comment, and unequal treatment of evidence. Because the demolition and conceptual approvals depended on the Board's acceptance of the very same unsupported narrative and hearsay offered in the variance case, they are fundamentally tainted.

Where one approval rests upon an unlawful foundation, subsequent related approvals are likewise invalid. Here, because the variance proceeding violated both due process and statutory criteria, the later demolition and conceptual approvals must also fail. In the interests of justice, all three approvals must be vacated and reheard *de novo* under proper quasi-judicial and legislative procedures.

VII. CONCLUSION

The Architectural Review Board's decision approving variances, demolition, and conceptual review for 627 East Government Street cannot stand. The record demonstrates pervasive procedural violations—including reliance on unsworn testimony, denial of cross-examination, improper sequencing of applications, and arbitrary restriction of public comment—that deprived Petitioners of fundamental due process. The ARB further undermined fairness by accepting unsworn hearsay letters from the applicant while refusing to accord weight to a petition signed by actual residents, skewing the record in favor of the applicant.

On the merits, the applicant failed to satisfy the controlling variance criteria: hardship was not established under *Maturo v. City of Coral Gables*; no evidence showed that the requested setbacks were the minimum necessary; compatibility with the Historic District was not proven; and the only evidence on public welfare was a single broker's letter, constituting hearsay and unable to be subjected to cross-examination, plainly insufficient to constitute the competent and substantial evidence required by law. Compounding these deficiencies, neither Staff nor the Board issued findings of fact tied to the statutory criteria, contrary to *City of Apopka v. Orange County*, thereby leaving this Council and the courts without a lawful basis to review its determinations.

Further, the ARB failed to create an adequate record for review, as there was no presentation or testimony of any staff analysis, planning reports, or written findings necessary to support judicial scrutiny. The decision is also inconsistent with the Comprehensive Plan and Historic District Guidelines, which require new development to preserve and enhance neighborhood character—an obligation ignored here in favor of approving a three-story multifamily structure without compatibility studies or staff evaluation. By deferring to the applicant's narrative rather than requiring competent professional evidence, and by selectively crediting unsworn letters of support while dismissing a petition of opposition and discouraging testimony, the ARB compounded its violation of fundamental fairness and equal protection.

The Board also misapplied the burden of proof, granting extraordinary relief where the applicant failed to demonstrate that even a single variance criterion was satisfied. Florida law makes clear that without competent, substantial evidence of each required factor, a variance must be denied. To grant one here, and the subsequent demolition and conceptual approvals, not only erodes the integrity of the City's land-use process, but also sets a dangerous precedent for granting special privileges.

In short, the ARB's decision was arbitrary, capricious, unsupported by competent substantial evidence, and inconsistent with the City's planning framework. Petitioners respectfully urge the City Council to vacate each decision in its entirety and require the applicant to proceed *de novo* under proper quasi-judicial and legislative procedures that honor due process, apply the variance criteria faithfully, comport with the LDC and Comprehensive Plan, and afford all affected residents a fair and meaningful opportunity to be heard.

VIII. RELIEF REQUESTED

WHEREFORE, Petitioners, by and through undersigned counsel, move this Council to:

1. Vacate and reverse the ARB's approval of the variance, demolition, and conceptual review; and
2. Grant a rehearing *de novo* on all applications related to 627 East Government Street; and

3. Direct that any future hearings on the variance strictly comply with the requirements of quasi-judicial due process, including but not limited to:
    a. the swearing of all witnesses under oath,
    b. the opportunity for cross-examination of testimony,
    c. equal treatment of evidence offered by all parties, and
    d. the issuance of detailed written findings expressly tied to the governing criteria of the Land Development Code.

Only through such corrective action can this Council restore integrity to the process, protect the rights of affected residents, and ensure that the historic character of the Pensacola Historic District is preserved in accordance with law.

Respectfully submitted,

s/Meredith D. Bush
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Counsel for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by electronic mail via to the Clerk of City Council and to the Office of the City Attorney and to the Applicant, Brian Spencer, on this 5th day of September, 2025.

/s/Meredith D. Bush
MEREDITH D. BUSH

EXHIBIT A

AUDIO RECORDING

CITY OF PENSACOLA

ARCHITECTURAL REVIEW BOARD MEETING

THURSDAY, AUGUST 21, 2025

TRANSCRIBED BY: MELISSA EICKEN

ERICK MEAD: All right. Madam secretary, what do we have next on the agenda?

ADRIANNE WALKER: Thank you, Mr. Chair. The next item is 627 East Government Street. This is Pensacola Historic District, Zone HC-1, City Council District 6. This is for a variance. Brian Spencer seeking approval to reduce the rear yard setback on Bayfront Parkway from 20 feet to 9 feet from the property line to allow a building height of 34 feet and to reduce the front yard setback on Government Street from 15 feet to 0 feet at the street edge.

The next agenda item is demolition of the noncontributing structure followed by conceptual review of the proposed new development. Mr. Brantley has recused himself again and will for the next few items.

It's up to you how you want to handle any speaker requests. You do have the variance criteria in front of you, if you want to reference that. And we have our applicant, Mr. Spencer, here, and with that, I will turn it over to you, Mr. Chair.

ERICK MEAD: Looking through the speaker requests, we have -- it looks like all of them wish to speak to the -- the variance. Some wish to speak to all three. So I think we probably will have plenty of

speakers here on all these points. I think with that understood, I think we're going to address the time limitations, because we have a number of people here, and we want to make sure everybody gets heard. So I think we're going to have on those items 3 minutes per speaker. So the secretary will keep track of that for me, if you will.

I understand we have the variance criteria. I did have one question prefatory to going into the variance issue, and that is as to the allowed uses for this parcel. I understand this is, at least from the other thing, the conceptual proposal is some manner of multi -- multi-family residence. What are the actual permitted uses on this parcel? Can you summarize those?

ADRIANNE WALKER: Multi-family is allowed in this zoning district. And typically use is not necessarily under the ARB jurisdiction.

ERICK MEAD: No. I just want to know what -- what the -- what the alternatives for development are because it goes into some of the hardship criteria and in comparison with some of the other issues about impact on the neighbor.

ADRIANNE WALKER: So give me a moment. It's zoned HC-1 which is the historic commercial

district. So from a cumulative standpoint, it allows anything in the HR-2 district which also allows anything in HR-1. So it's pretty much well open for Pensacola Historic District. But in terms of residential use, you can have single family, you can have duplex, but also multi-family, like what is being proposed, and then a variety of commercial uses.

ERICK MEAD: And the existing use is commercial.

ADRIANNE WALKER: Correct.

ERICK MEAD: All right. Thank you very much. Do we have the applicant here to speak to the -- to the application? Yes. Please.

BRIAN SPENCER: Thank you. Thank you, Mr. Chair.

ERICK MEAD: Can you state your name for the record and tell us --

BRIAN SPENCER: Yes, I will.

ERICK MEAD: Tell us about the proposal.

BRIAN SPENCER: My name is David, and that's Goliath. My name is Brian Spencer. And I reside at 4040 Dunwoody in Pensacola. I have my architecture offices, the firm SMP Architecture, located at 205 East Intendencia in the Seville Historic District. And Mr. Chair and members, may I

ask -- I really -- procedurally, I just want to make sure I take the proper steps for -- admittedly, I thought the first one was going to warm us with a -- warm me up as well with the demolition request for a noncontributing structure. I didn't know I was going to go straight into the -- to the variance matter. So I'm kind of warming up.

ERICK MEAD: Well, the -- what I have on the agenda has got the variance listed first, and then the demolition, and then the conceptual review. I -- I don't know if there's a particular order from the staff perspective that needs to be taken up. And these are all the same application -- same applicant; correct?

ADRIANNE WALKER: That is correct, and I would have to defer to Greg. I don't know if procedurally it has to be in a certain order.

GREG: No. I mean --

ADRIANNE WALKER: Just the order it happened and --

GREG: This -- this is typically the order we've taken it, but there's nothing that says you can't --

BRIAN SPENCER: All right.

GREG: -- move things around.

BRIAN SPENCER: Because my feeling is, if a demo isn't approved or -- then there's no reason to talk about a variance.

ERICK MEAD: Well, seeing that we have a variance here, and everybody wants to speak to the variance, and some people don't want to speak to the other items --

BRIAN SPENCER: Got it.

ERICK MEAD: -- let's go with the variance first. And that way we'll -- we'll save time, hopefully.

BRIAN SPENCER: Then, Mr. Chair, as I understand, I have those that couldn't attend. Ms. Walker shared with me a procedural matter that I -- I must follow in terms of me being able to speak as other representatives and on behalf of the variance.

ERICK MEAD: Can you enlighten me a little bit on what you're talking about?

BRIAN SPENCER: I'll let -- I'll let Adrianne talk.

ADRIANNE WALKER: Mr. Spencer has people who support his project who weren't able to attend. So in that case, a representative is allowed to share by providing their 3-minute commentary. We've allowed

that before where somebody's maybe e-mailed a statement to someone, and they came on their behalf.

ERICK MEAD: Yeah. That's --

ADRIANNE WALKER: There's nothing that says Mr. Spencer can't --

ERICK MEAD: No.

ADRIANNE WALKER: -- share that information.

ERICK MEAD: That's perfectly appropriate. But we'll hold that for the public comment period after we're done with your presentation and the board's discussion. And then we'll -- we'll see --

BRIAN SPENCER: Right.

ERICK MEAD: The other question has to do with the variance is a quasi judicial process which means that we -- we sit in a different capacity than we do in a number of other settings. We have to hear evidence to support the -- the factors set forth in the ordinance and to make a determination on that basis. The role of the public in that regard is limited. Only in terms of presenting relevant evidence to those proceedings. The comments beyond things that would be evidentiary in nature about the factors of the variance, and if anybody has a question about that, I'm sure we have extra copies of what

those are, that they would like to offer evidence on.

So just for reference, and those who are anticipating speaking about the variance process, it's going to have to be limited to those factors that you can provide evidence on as to the application. Otherwise, we step beyond our role. This is not a -- it's not a popularity contest variance, it's a quasi judicial proceeding.

And, so with that understanding, I -- the same caution would go to the applicant with regard to those comments. They would have to be evidentiary and character speaking, specifically to elements of the variance. Certainly, other comments can be received in passing, but the focus needs to be on the evidentiary character of the submission, so. With that, if you would, please.

BRIAN SPENCER: Thank you. Thank you, Mr. Chair. As a former member of the ARB, I recognize the responsibility that all of you have today as you listen to the applicant as well as those that may have other points of view regarding the support or not support of this variance request. I will -- I would like to emphasize, if you have not been there to the site, if you have not visited it, sometimes you have the opportunity to do so. This is what I would

consider objectively to be a very unique-shaped site with the triangle -- triangle configuration that has been affected decades ago by Bayfront Parkway.

Most importantly, I would never come before you today as I am seeking this continuation or the variance request if there had not been an existing building that has been here for decades. Mr. Prince Derek can offer, perhaps, some -- shed some light on how long that building, which -- if you refer to what is on the screen right now, you can see the -- the grey overlay is the existing building which currently has in LDC or I should say code parlance existing noncomplying conditions. And that is very important in the context of this variance request in that I am proposing a building to replace this that extends 13 -- approximately 13 more feet to the east within this same building set -- front building setback variance request.

The two elements on the left and the west and the east are stepped back and do not fall within the setback requirement for this property. So I'm seeking the continuation somewhat of a wall, if -- if you all have seen it, but. I know later on, Adrianne and staff, they will see photographs of that East Government Street facade, and I certainly invite you

to take a look at that in the context of this request. But number one, both the rear yard setback, building setback, and the front yard setback are currently in violation with the existing building. I think that's just so important in the context of this and recognizing again -- anyway, I will continue.

Also, there are -- there's a condition where the buildings that are to the west of this have a greater -- they are in closer proximity to Bayfront Parkway than the building that is being proposed, so. The grey is showing, again, the existing, and the other one -- overlay -- is the one we are proposing. I think that staff has done an excellent job. I don't know if other members of the audience can -- can read it very clearly, but the -- the gold delineation, very small on the dimension, Ms. Walker asked me to make sure we showed that dimension so that you could see, again, the existing building is how far from the brick wall, Adrianne.

ADRIANNE WALKER: It's 11 feet.

BRIAN SPENCER: 11 feet. Right. And the other one on that same southeast corner, the proposal is approximately 11 feet as well. It follows that. So we are not asking for you to approve the building on the southeast corner, which I consider to be kind

of the gateway. The -- the front of the building that you see approaching from the bridge. There are other buildings along east Government that have this condition, approximately four, that abut the sidewalk. Our proposed building actually steps back on the ground floor. This is -- I -- the -- some people I know are here opposing this project as well as some people that represent the Seville Neighborhood Association provided, I think, some very valid points and concerns. They are -- and I have reacted to those items by providing, for instance, today, showing more clearly that garage door openings are 8 feet from the street edge. The building itself at the ground level is 4 feet from the sidewalk edge providing for -- and that is further back than the existing building. And the existing building. We are showing -- and Mr. Chair, I don't know if this is drafting away from the variance, but these were --

ERICK MEAD: So far I'm tracking with --

BRIAN SPENCER: Okay.

ERICK MEAD: What you're saying.

BRIAN SPENCER: Thank you. Thank you. So there were comments and concerns that landscaping had been removed. This proposed project provides 3,230 square feet of landscaping, whereas, the

existing building and parking has 2,750. So this provides more landscaping providing more -- and that's not counting what the Seville property owners association had commented their concern about the amount of paving, and what I just stated does not include the additional grasscrete -- that sort of grass concrete paving area of 1,650. Yes.

UNIDENTIFIED FEMALE: I don't mean to be ignorant of this, but what is grasscrete.

BRIAN SPENCER: It is -- I'm trying to think where maybe where you've seen it. It's a combination of -- it's like checkered -- it's concrete and -- and grass grows in between --

UNIDENTIFIED FEMALE: Oh, okay.

BRIAN SPENCER: -- it.

UNIDENTIFIED FEMALE: Okay.

ERICK MEAD: The --

UNIDENTIFIED FEMALE: Permeable.

BRIAN SPENCER: Yes.

ERICK MEAD: So the -- the landing elements, though, I think are those really fitting into your variance issues or no?

BRIAN SPENCER: No. That's why I --

ERICK MEAD: Okay. Yeah. Yeah. That's fine. I don't -- I think the landscaping right now --

BRIAN SPENCER: But I do want to show that the request for variance does not -- Mr. Chair, minimize or in fact, take us to a point where we can't do abundant landscaping, and in fact, meet LDC's side yard landscaping area which ironically if you'd please just go back to that, which if this building remains commercial and say if it becomes another use, that landscape area on the west side is not required for an adjacent commercial use, but it is for multi-family.

ERICK MEAD: All right. That -- that's relevant.

BRIAN SPENCER: Okay. We are not seeking any height variances. The building next to this -- to the west is -- is taller than this proposed building. And most importantly, again, for you -- for the members that don't know this, this is at the very end of east Government where it basically -- well, it literally dead ends into FDOT arteries. South 9th Avenue used for port traffic, and Bayfront Parkway which is also an FDOT right-of-way. I do -- I think -- Adrianne, if -- if you -- I do think it's pertinent to the variances, please, if it's easy to pull up the recently added garage relationship on Baylen lofts, and those of -- okay. Okay. Next.

ERICK MEAD: Just for clarity.

BRIAN SPENCER: Okay.

ERICK MEAD: This is a different structure.

BRIAN SPENCER: Right.

ERICK MEAD: So what is the purpose --

BRIAN SPENCER: The purpose of this, Mr. Mead, is to show, again, relationship of frontality of building to adjacent -- immediately adjacent sidewalk and distances.

ERICK MEAD: Okay.

BRIAN SPENCER: And this was -- this was a project previously reviewed and approved by the architectural review board.

ERICK MEAD: All right. Thank you. What else?

BRIAN SPENCER: I think that's it. I'm going to take a sip of water. I -- by the way, this project I'm not presenting on behalf of Mr. Kerrigan or owners of that. I have this building under contract. I'm not representing the current ownership for their intention to do this if I -- I have a 30-year history as an architect and developer in Pensacola. I'm proud to say I've tried and done my best to do nothing but lead positive impact, particularly the downtown area and historic area. My most recent project that won an AIA award is the train

canopy over the UWF train cars at Zarragossa. I was -- although, I've seen a petition describing perhaps a different Brian Spencer that I don't know, I've intentionally and very deliberately tried to be as sensitive as I can be to the what is the next to a building that is quite different than what would be called the Seville Wood Cottage District because it's in an SSD site specific development. But this site is sort of the -- I hope -- I don't mean to say Bermuda Triangle, but the Seville triangle, and it is the -- the very, very end --

ERICK MEAD: All right.

BRIAN SPENCER: -- and, you know, I've fought for years when I was on city council to reopen it, to make it a friendly pedestrian connection, found out that's not a popular idea.

ERICK MEAD: Okay. With that, I have a question for staff on that last point, if I may. So the -- for instance, in the -- in the photo that we see here, the buildings behind the proposed structure are in the SSD for Crown Cove? Is that right?

ADRIANNE WALKER: That's correct. Crown Cove is to the --

ERICK MEAD: Technically, it's its own zoning district.

BRIAN SPENCER: To the west.

ADRIANNE WALKER: That's correct. So Crown Cove has its own setbacks.

ERICK MEAD: And, so to I -- to be clear, in respect of the overall zoning adjoining this, it is sort of an in an island on its own; is that right?

ADRIANNE WALKER: We'll double check that really quickly. I can show you all the zoning.

ERICK MEAD: At least on that street frontage. I mean, that's what we're talking about.

ADRIANNE WALKER: So you see the aerial that's still showing up.

ERICK MEAD: Right.

ADRIANNE WALKER: That's Crown Cove which is a site specific development that's platted with different setbacks.

ERICK MEAD: Right.

ADRIANNE WALKER: So it is directly adjacent, and then everything else you see in purple, though, is the -- HC-1.

ERICK MEAD: But it's cut off by the SSD from the balance of the district on that street frontage; is that right?

ADRIANNE WALKER: Can you repeat that?

ERICK MEAD: I said, the project parcel is

cut off by the SSD from the balance of the historic district on that street frontage.

ADRIANNE WALKER: That wouldn't really be my place to make that.

ERICK MEAD: No. I'm suggesting it intervenes. I mean, there's -- yeah. There's no -- there's no adjoining property that's within the district.

BRIAN SPENCER: Correct.

ADRIANNE WALKER: Correct.

ERICK MEAD: Okay. Thank you. Board members, questions for the applicant?

YURI RAMOS: I guess, I have one question, Mr. Chair, if I may.

ERICK MEAD: Certainly.

YURI RAMOS: Mr. Spencer, I -- I don't think you went -- you know, as a board, we have to go through the variance criteria, make sure that it meets each of the criteria. I know that you've submitted it. I didn't know if you wanted to go through them. I can certainly just read on my own, but I wasn't sure that you -- if you wanted to hit them.

BRIAN SPENCER: I don't have the list in front of me.

YURI RAMOS: Okay.

BRIAN SPENCER: Thank you. I can -- I can try as a narrative. Going point by point, if you would like.

YURI RAMOS: It's -- it's your application, so it would be up to you.

BRIAN SPENCER: Okay.

YURI RAMOS: You know, I just feel like when there's contention --

BRIAN SPENCER: Sure.

YURI RAMOS: -- I try to stay programatic so we can hit the bullet points of the -- the items, you know, the reasons why a variance should be approved by this board, and you know -- and your explanation on those, I feel like that would help --

BRIAN SPENCER: Absolutely.

YURI RAMOS: -- everyone in the room.

BRIAN SPENCER: Yes. Thank you. Number one, the special conditions and circumstances exist are peculiar to the land structure to the land, comma, structure or building involved which are not applicable to other lands, structures or buildings in the same zoning district. I think what's important there is, it's not and -- and it's or, and I would contend that this, absolutely, has special conditions, given the -- the peculiarity of the land shape as well

as the -- in terms of what Mr. Mead just mentioned as it abuts a completely different zoning district with different setbacks and does not have a contiguous zoning continuation of the Seville Historic District that moves on to the east.

It is a -- so I believe very much that land -- that number one is met, that the special condition and circumstances are not the result or the actions of the applicant. Absolutely. I have not carved up the land. I have not changed the configuration of it. I did not invite or invent some of those peculiarities. Granting the variance request will not confer on the applicant any special privilege that is denied by this title to other land, buildings or structures in the same zoning district. I believe that because that building, in fact, does have and will remain in its current condition with the non -- again, the legal term or -- is existing noncompliant.

ADRIANNE WALKER: Existing, nonconforming.

BRIAN SPENCER: Nonconforming. That's right. I'm turning it more into a behavioral term. Nonconforming conditions that I am not then bringing that to this project. Therefore, getting an additional privilege. The literal interpretation of this title would deprive the applicant of the rights

commonly enjoyed by other properties in the same zoning district under the terms of the title and would work unnecessary and undue hardship on the applicant. I believe that in order to do the -- a project that in this scale still meets the intent of the Seville Historic Wood Cottage District providing for the amount of open space that I am not -- that -- again, that is providing me not any special -- special privileges. Variance granted is the minimum variance that will make possible the reasonable use of the land building or structure. If I was seeking a height variance, I believe that that would violate number five, but otherwise, I believe that the minimum variances will provide -- that I am seeking will provide reasonable use of the land. The granted variance will be in harmony with general intent and purpose, will not be injurious to the area involved or otherwise detrimental to the public welfare. Obviously, the group that's sitting behind me to the left feels very differently about that. I do not in any way feel that the view corridors that I have not impending on any public access, and in fact, I would argue that I am providing something that is more enjoyable in terms of visually and not providing or imposing, I should say, something that is

non-harmonious to the Seville Historic District, that the variance will not constitute any change in the district zone and the zoning map will not impair an adequate supply of light and air to adjacent property. I -- I dare to say that this is injurious in terms of reducing the amount of air or light. If you look at the Crown Cove properties, the latest house that was built, I think they have about 6 feet of separation between those houses, whereas, this provides, again, ample -- ample supply of light and air to adjacent property. The only adjacent property is the one to the west, the newer white stucco under construction. Will not increase the congestion of public streets. In fact, while this district has zero off street requirements, for instance, many other uses could go there that would have a higher traffic and impact. This is providing parking on the site while -- and the spaces that are on street, I have met with city staff when we have a drawing that shows that those two spaces, the 62 feet indicated on the upper right, those shift slightly to the east, and we -- there is zero reduction, and instead, additional parking on the site.

The current use is an office, and although, now those attorneys have retired, most of them,

there's no reason that something else, another office building could -- could be built there with a much higher traffic count. I do not believe this is increasing in any way the danger of fire. It will not diminish or impair established property values, and I have a letter from a respected real estate broker who contests what was stated in the petition that this project will diminish neighboring property values. I will enter that to the record at the proper time.

ERICK MEAD: This will be the appropriate time.

BRIAN SPENCER: Would this be the appropriate time?

ERICK MEAD: Sure.

BRIAN SPENCER: Thank you. Since I'm addressing -- all right. All right. This is one of the letters of support. Ms. DeeDee Davis could not be here. To the chair and members of the architectural review board, I am DeeDee Davis, broker/owner of NAI Pensacola located at 24 West Chase Street. I've worked in the Pensacola real estate market for many years including downtown and within the Seville Historic District. I have reviewed the petition, circulated in opposition to the project at 627 East Government. I feel it is important to correct a false

impression that this project would somehow diminish surrounding property values. Specifically, I support the applicant's request for the stipulated building setback variances, the demolition of the existing noncontributing structure, and the conceptual design approval of the proposed new building.

In my professional judgment, replacing a noncontributing structure with a new architecturally compatible building will enhance the overall desire ability and value of nearby properties. Well-designed infill of this kind is proven to strengthen historic neighborhoods by raising standards of design and contributing to a sense of stability. Concerns about declining property values are unfounded. The market consistently rewards high quality architecture. Thank you, DeeDee.

Sensitive redevelopment and investments that improve the streetscape, all of which this project provides. As a broker who understands both the historic district and the broader Pensacola market, I can state with confidence that this project will positively impact neighboring values, not harm them.

ERICK MEAD: Thank you. Are there any other points in the list that you wanted to go over?

BRIAN SPENCER: No, sir.

ERICK MEAD: Are there any other comments, because this is one of the things I'm going to be careful with regard to all of the public comments as well, but in the comments that you were given to -- to render, are there any else like that one are speaking to an evidentiary point on an item of the variance that was speaking specifically to an impact on property values? Obviously, are there others that are of that character that speak to a factor or element in the variance criteria that we should hear?

BRIAN SPENCER: They all seem to have -- Mr. Chair, a -- a theme of the -- the general, the -- their approval, enthusiastic approval, of how the building architecturally fits in. So that would be the -- you know, the granting of the variance would be in harmony with the general intent and purpose. I mean, there -- I have 10 of them. And I do plan -- these people took the time to write the letters, so I will be reading them.

ERICK MEAD: I will -- I can -- I think we can receive those for the record, understanding their general character. I was wondering if there was anything more specific such as the one from the broker on some other point other than the general, harmonious

nature of the architectural impact.

BRIAN SPENCER: One -- one says here, the project, it elevates the historic district by introducing architecture. It is compatible, thoughtful, enduring. All of them specifically state -- I wanted to make sure they knew they would be entered into the record. I would be reading them. Every one of them specifically states, as they reviewed the packages, their approval of the variance request. That is in the body of every letter.

ERICK MEAD: And I -- I appreciate that. I certainly think we should receive them into the record for purposes of that characterization. Unless there's some objection from the board, I would ask that we receive them into the record for purposes of documenting what you've said. In the interest of time and not avoiding any -- a needless duplication of those points, although, obviously, that goes to some weight, I would ask that we proceed in that manner. Is there any objection to that?

BRIAN SPENCER: No. But I would -- I mean, the brief -- I definitely -- these are hardworking professionals. People are out of town. I'm not saying these are not hardworking professionals. There are some people here, but they wrote the letter with

the full expectation that their voices would be heard.

ERICK MEAD: That's fine. Madam secretary, is there a -- is there a precedence to which approach we should take?

ADRIANNE WALKER: I don't believe there is. I might defer to Kia, if you have an opinion on it. I -- I encouraged Mr. Spencer if he was going to be the representative for people that bring it and be ready to share it, but also have the copies --

ERICK MEAD: Right.

ADRIANNE WALKER: -- if we want to distribute them to you, and I need them, too, for the minutes.

ERICK MEAD: Right.

BRIAN SPENCER: Right. I -- I was told definitely I have them all signed, and that I would have a chance within the time allotment given to each person to read the letter.

ERICK MEAD: Well, I have no objection to reading the letter. I just -- in the interest of time, I wanted to make sure that we're not going to -- given the number of people who are going to --

BRIAN SPENCER: Yeah.

ERICK MEAD: -- potentially be presenting evidence, but please go ahead and present however you

would like to present it.

ADRIANNE WALKER: And if I may, I'm going to keep time. He's -- he -- the chair stated that everybody will get 3 minutes. I apologize, I didn't get that on the first letter, which I think it was within 3 minutes, but I'll keep time --

BRIAN SPENCER: I was trying --

ADRIANNE WALKER: -- for these as well.

BRIAN SPENCER: Okay. This --

ERICK MEAD: And in fairness, that was an answer to my question about it, so.

CHRIS CARROL: (Inaudible).

ERICK MEAD: There are --

BRIAN SPENCER: There are some --

ERICK MEAD: There's a request -- just for the record, there's a request from -- what is your name, sir?

CHRIS CARROL: Chris Carrol.

ERICK MEAD: Mr. Carrol has asked that there -- some indication of residence be given in respect to those supporting documents. The documents are going to speak for themselves. They're going to be received into the record. I'm going to let Mr. -- Mr. Spencer speak to --

CHRIS CARROL: Because I feel like -- we

all feel like (inaudible).

ERICK MEAD: Ma'am -- sir, you're going to have the opportunity to speak to whatever you wish to speak to when we get to that point, if it's relevant to the variance criteria. I think your point is well taken. The -- the documents are going to identify who they are and where -- where they're from, if they show them. Mr. Spencer.

BRIAN SPENCER: Yes. And -- and I would like to address the -- the gentleman --

ERICK MEAD: Please.

BRIAN SPENCER: -- through you. Yeah. I -- I understand completely. There was just one that was a real estate professional that -- the rest remain -- are I think in the neighborhood --

ERICK MEAD: All right.

BRIAN SPENCER: -- and their evidence will be evident.

ERICK MEAD: All right. Carry on.

BRIAN SPENCER: All right. Thank you. To the chair and members of the architectural review board, my name is Rafael Simpson, and I live at 435 East Zarragossa, just a short walk from the project site at 627 East Government. In addition to being a neighbor, I'm an owner of two Pensacola businesses,

Harry Roy, a downtown establishment at South Palafox and Haus of Hue furnishings and design store at 9th Avenue. I support this project because it removes a building that has no historic or architectural value and replaces it with design that respects the scale and rhythm of the Seville Historic District. The new building will enhance the streetscape of East Government Street and contribute positively to the neighborhood that I -- the neighborhood that I both live in and care about deeply.

Specifically, I support the applicant's request for the stipulated building setback variances, the demolition of the structure, and the conceptual design that's being presented for the proposed new building. As a businessowner, I understand the importance of maintaining high standards of design in our community and the district. This project does exactly that. It elevates the historic district by introducing architecture that is compatible, thoughtful, and enduring. I -- I respectfully encourage the board to approve this application. I'm trying to read as fast as I can.

ERICK MEAD: Mr. Spencer, one moment. I -- do we have an extra copy or copies of the variance criteria?

ADRIANNE WALKER: Yes.

ERICK MEAD: I would ask staff while we are listening to your submissions, on those points and on the variance criteria you've identified, that we circulate the variance criteria among those who have entered a -- a request to speak, so that we understand that when I call you for your particular presentation, that you will be able to identify the item or items on the variance list to which you believe your -- your testimony will be relevant. And that you identify that when you get -- get up to speak and when you are called. So I'll ask that, that be circulated among the audience so you can be familiarized with it while Mr. Spencer is continuing his presentation on these points, so.

BRIAN SPENCER: I'm reading as fast as I can.

ERICK MEAD: That's fine. Please, Mr. Spencer, continue.

BRIAN SPENCER: All right. Thank you. To the -- okay. To the chair, members of the architectural review board -- Andrea {sic}, you timing me? All right. I am -- I am Kim Simpson, a property owner residing at 434 East Zarragossa in close proximity to the property, 627. As neighbors, we all

want what is best for Seville. This project proposes to demolish a building that has long been out of place and replace it with one that is designed to fit more naturally into the surroundings. The proposed design is more in keeping with the scale, character, and materials found throughout the district.

I want to clarify something important. I originally signed a petition opposing this project, but that was because I was asked to sign without being shown any images or illustrations and felt pressured to add my name. Once I had the opportunity to see the actual plans and understand what's being proposed, I reconsidered my condition. I have since formally requested my name be removed from the petition and asked if I could instead submit this letter of support. Specifically, I support the applicant's request for the stipulated building setback variances, the demolition of the existing noncontributing structure, and the conceptual design approval of the proposed new building. The requested setback variances do not introduce new conditions. They reflect a long-standing pattern on this site. Approval of this application means replacing a structure that distracts from the neighborhood and one that is much more appropriate and lasting. For these

reasons, I respectfully encourage you to grant approval for the respected variance. I mean, excuse me, requested.

To the chair, members, and members as residents and properties owners -- owners of two nearby residential properties, 181 South 9th Avenue, and 536 East Government, Unit 3, both of which are within walking distance of the proposed project, we wish to express our strong support. This proposal would replace a structure that has no architectural or cultural significance within a -- with a building that has been designed with care and sensitivity to the surrounding historic district. The proposed scale proportions and materials are consistent with the neighborhood and will contribute positively to the overall appearance of East Government Street. Specifically, we support the applicant's request for the stipulated building setback variances, the demolition of the existing noncontributing structure, and the conceptual design approval of the proposed new building. Approving this project will result in a more compatible lasting improvement to the historic district and re-enforce the character of Seville as one of Pensacola's most treasured neighborhoods. With respect, Robert Booth, Lauren Hayward Booth. All

have -- all of these letters have signatures.

ERICK MEAD: When you're concluded, I'm going to ask that you tender those to staff, and they can circulate them among the board members to review.

BRIAN SPENCER: I will. I have 10 copies of every letter.

ERICK MEAD: Please carry on.

BRIAN SPENCER: City of Pensacola review board chair members, my name is Blake Rushing, and I live just a stone's throw from the proposed project site at 627 East Government Street. My wife and I deliberately chose to make our home in the Seville Historic District, so that we could live in a walkable mixed use neighborhood, close to my downtown restaurant where I serve as executive chef and close enough that I can be present with my wife and children. The Seville District offers a unique blend of historic character, neighborhood, vitality, and access to public spaces like Seville Square, and Admiral Mason Park as well as nearby Pensacola Bayfront walking and biking paths. These are the qualities that drew us here, and they are the same qualities that this proposed development will strengthen. I understand that the applicant's requesting a setback variance to allow the project to

move forward. I support this request because the design is thoughtful, compassable with the scale of surrounding structures, and the respectful of the historic districts character. Rather than leaving an underutilized building in place, this project will introduce well-designed residential use that enhances both the visual and functional fabric of the block.

From the perspective of both a father and a businessowner, I see this project as a clear improvement. More residents living downtown means safer streets, more support for local businesses, and a stronger sense of community. It is exactly the kind of investment that re-enforces Pensacola's long-term vibrancy while honoring its past. I'm proud to add my name in support of this project, and I respectfully encourage your approval of the building setback variance request as well as the conceptual design. Blake Rushing.

Next, I respectfully submit this letter to you, ARB chair, and members. I may introduce myself. I'm a resident of 433 East Zarragossa Street. For two years, I have lived in and owned this historic building downtown. I'm a resident of Pensacola for 45 years, and I've lived in the downtown area for over 10 years. I also serve on the UWF Historic Board. On

behalf of Brian Spencer's submittal today, I fully support this. I would ask for approval of the building setback variance request as well as the demolition of the existing building. I believe it will be an improvement both esthetically and will fill the need for more housing downtown. I believe this is responsible growth. I also believe Brian Spencer is a well responsible and upstanding citizen and architect, who cares deeply about the historic values of our community and has vision with sensitivity to the current and future needs of Pensacola. I fully support the conceptual approval of 627 East Government Street. Respectfully, Terry Levin.

Dear Brian, you have my permission to share this letter of support for the demolition, building setback variances, and conceptual approval with the ARB chair and board members. At the ARB board meeting on August 21st, 2025, I wish I was able to voice my support in person, but I hope my opinion as a former ARB member is helpful for your project. I believe the proposed project results in new building massing that is substantially similar to the existing nonconformity along the Bayfront frontage and actually reduces the existing nonconformity along East Government frontage. I also believe the site presents unique conditions

unlike any other site in the district and setbacks as are defined by the LDC would preclude the construction of a usable footprint for infill housing for which the city has expressed an ongoing need. Furthermore, infill housing is the most appropriate use for this site given the residential fabric of the dead end street, and the design will be a great addition to the district. Finally, I believe the variance criteria have been demonstrated as outlined by the LDC. Thanks, Jordan Yee. And that Jordan is a former ARB member. I think I've covered it.

ERICK MEAD: All right. Are there any other --

BRIAN SPENCER: And I appreciate you allowing me to enter those into the record, not only in printed form, but to represent.

ERICK MEAD: I would just ask that -- that the ones that you read be submitted to the board secretary, so they can be circulated to the board for review by the members who may wish to review them.

BRIAN SPENCER: Yeah. Yes.

ERICK MEAD: Are there other questions from the board?

YURI RAMOS: Yes, Mr. Chairman, if I may ask a question --

ERICK MEAD: Please.

YURI RAMOS: -- of staff. Ms. Walker, can you please clarify -- so if we do -- let's say hypothetically we issue a variance here today, does that variance stay with the property owner or the property itself?

ADRIANNE WALKER: The variance would be specific to this development with those reduced setbacks. I mean, I suppose if somebody came back -- if this didn't work out, but if somebody wanted to proceed with exactly what the variance allowed, I want to say it's transferable; is that right?

YURI RAMOS: So it sticks to the property.

ADRIANNE WALKER: I mean, yeah. It sticks with the property.

YURI RAMOS: Okay.

ADRIANNE WALKER: It's not specific to Mr. Spencer, correct.

UNIDENTIFIED FEMALE: That's correct.

YURI RAMOS: And then one more question. Could you just clarify to me, so if we have an existing nonconforming structure that doesn't meet the code setbacks, if that gets demolished, there's no -- they're not grandfathered with those nonconforming conditions; is that correct?

ADRIANNE WALKER: That's correct. So the existing structure, we refer to as existing, nonconforming because it does not conform to the setbacks required of HC-1 zoning. I didn't find a whole lot of record about the building or there was talks of seeking a variance at some point, but didn't see the actual variance coming through. So essentially, if someone else came along and was given approval to demolish the existing structure, they would have to conform to the setbacks for this zoning which are 15 feet from street edge for the front yard, which you could make Bayfront or Government. You have double frontage here. The side is a minimum of 5 feet from the property line. There is a secondary side that's 7 and a half feet from the street edge, and then there's a rear setback of 20 feet minimum from the property line. So it's street edge and property line. So it's a little bit complex, but whomever comes along would have to conform to these or they would have to seek a variance to accommodate whatever they might try to do if they can't meet these setbacks.

YURI RAMOS: So where does the 20-feet setback apply?

ADRIANNE WALKER: So the 20-foot minimum

from the property line is the rear setback which for this particular development is Bayfront. So Bayfront is being considered the rear, and Government is being considered the front.

BRIAN SPENCER: And that's from the property line, so. Okay.

ADRIANNE WALKER: Yeah.

ERICK MEAD: Adrianne, could you please show the image of the existing building? On Government Street?

ADRIANNE WALKER: Like, the physical image or the site plan?

BRIAN SPENCER: Visible. Visible, please. I'm just --

ADRIANNE WALKER: That's in your demolition request.

BRIAN SPENCER: Yeah.

ADRIANNE WALKER: Does that suffice?

BRIAN SPENCER: No. Government Street.

ADRIANNE WALKER: Oh, the Government Street side, sorry.

BRIAN SPENCER: There. That's -- that's --

YURI RAMOS: Those are my questions. Thank you, Adrianne.

ERICK MEAD: I have a follow up to that, if

I may. If the applicable setbacks that this currently doesn't conform to were applied, what roughly is the percentage of usable footprint you would lose from the existing structure?

BRIAN SPENCER: I have to do a quick calculation. Let me think, 80 -- let's say 80 or I -- Adrianne, was that 23 street edge or property line?

ADRIANNE WALKER: For the year, it's 20 feet from the property line. That's the Bayfront side. And the front is 15 feet from street edge.

BRIAN SPENCER: Yeah. That's that. Probably -- I can quickly say 480 to 500 on the Government Street side, and I -- you know, I'd have to -- if you take a look, Mr. Mead.

ERICK MEAD: I'm just -- I just want some estimate.

BRIAN SPENCER: Look at that.

ERICK MEAD: Right.

BRIAN SPENCER: That triangle, that slice -- I mean, that ang --

ERICK MEAD: Right.

BRIAN SPENCER: Line.

ERICK MEAD: So if it were -- if it were applied, you'd be losing a substantial amount of footprint from the existing structure?

BRIAN SPENCER: Yes. Oh, yeah. From the -- yes.

ERICK MEAD: All right. And with respect to the --

BRIAN SPENCER: The existing as well. Yeah.

ERICK MEAD: And with respect to the existing structure, which as I understand it, because I have been to the property abuts the sidewalk.

BRIAN SPENCER: Yes. As that photograph shows, and we are pushing ours back at the ground Level 4 feet.

ERICK MEAD: And how far -- by coming back 4 feet off the sidewalk? And as I understand it, for any of the new extensions outside of the existing footprint, those are going to respect the setbacks?

BRIAN SPENCER: Yes. The --

ERICK MEAD: The east and west extension.

BRIAN SPENCER: Right. What I call the -- it's the kitchen for one that looks east, and then the elevator and stair vertical access.

ERICK MEAD: And lastly, the existing extension over the setback line on that corner element on the southeast side is going to be shifted, but not enlarged; is that correct?

BRIAN SPENCER: Correct.

ERICK MEAD: All right. Thank you. Other questions from the board, please.

BRIAN SPENCER: I just want to add one bit of color and the -- just -- I feel like it's pertinent, and I -- again, I thought I'd have a warmup with the demo. So I had certain speaking points. I just think it's relevant that you recognize how difficult it is in terms of seeking this variance. We're trying to -- I am, because I am the one -- I'm the developer trying to provide resident sizes that aren't the two and a half, $3 million downtown that, you know -- these are truly what all of us, as architects, continue to read about is, this is the way we are solving adding housing in very expensive areas is to think smarter, smaller. I've been accused of -- and I've had correspondence saying, you're just doing this. It's going to be like a hotel. I dare to say that if you saw interior perspectives, there are people from IHMC that would love to live in a 650-square foot, one-bedroom location within walking distance of IHMC. People that are coming here with American magic that would love having being able to call this home. And I just find it rather elitist to have people say, you know, they're not building our

big home, so we don't want them here. This is a solution to housing, and it's not asking for an increase in density.

ERICK MEAD: All right. Thank you. If there's nothing else, and I have no more questions from the board, I'm going to open this up to any -- again, evidentiary submissions from the people who have submitted speaker requests. So I'm -- I'm going to -- if you would relinquish the -- you can certainly come back and speak to any points you wish in rebuttal.

BRIAN SPENCER: So I will have a chance --

ERICK MEAD: You will briefly. So the first one -- and again, I'm going to caution everyone who wishes to speak that I'm -- the first question you need to answer when you get up to speak after identifying yourself is what item or items on the variance criteria list you believe you have evidence to submit, and we're going to hear that evidence. Beyond that, that's -- anything else wouldn't really be proper. So please confine yourself to the criteria and what you can tell us about any evidence that pertains to that for purposes of this variance proceeding.

So the first person I have on my list is

Mr. Brandon Sandefur, if you'd come up.

BRANDON SANDEFUR: I'm going to go ahead and decline my opportunity to speak at this time based on your criteria that you set forth.

ERICK MEAD: Okay.

BRANDON SANDEFUR: I don't have evidence. I just have commentary, and I'm not sure today --

ERICK MEAD: Thank you.

BRANDON SANDEFUR: -- in the interest of time, is a good idea to do that.

ERICK MEAD: Thank you. Those types of issues can certainly be raised in the conceptual or demolition portions because they will be appropriate in that setting because it's a different capacity in which we sit.

So those who like Mr. Sandefur have other comments or concerns that go beyond the evidentiary criteria, there will be an opportunity to hear that in the other sections that are appropriate. There's a question just briefly, Mr. Sandefur -- there's a question here.

UNIDENTIFIED MALE: (Inaudible).

ERICK MEAD: Speak up, please.

UNIDENTIFIED MALE: (Inaudible) can you clarify the evidence that you're expecting us to give

(inaudible).

ERICK MEAD: I -- I can't --

UNIDENTIFIED MALE: (Inaudible).

ERICK MEAD: So the question for the record -- no. It's all right. It's all right. You may sit. I'll --

UNIDENTIFIED MALE: I don't understand what you're --

ERICK MEAD: I understand your question. I'm -- I'm -- you don't need -- you don't need to. The question for the record is, is what is the -- the type of evidence that should be submitted. I can't prejudge what evidence is or what you may submit, and I'm not going to attempt to. All I can say is that you need to be able to identify what you believe your testimony would be relevant to when you come up here to testify so that we know that we're staying within the boundaries of what the process permits and what is relevant to this proceeding as a quasi judicial matter.

So Mr. Sandefur, did you have one other question?

BRANDON SANDEFUR: I don't have another question.

ERICK MEAD: Okay.

BRANDON SANDEFUR: (Inaudible) 3 minutes over to him, if we --

ERICK MEAD: We can't do that. We -- everybody has 3 minutes to speak on this item.

BRANDON SANDEFUR: The one thing -- to that point (inaudible).

ERICK MEAD: And it's not germane. It's okay. I'm just telling you what the rules are as far as these presentations are.

BRANDON SANDEFUR: (Inaudible) correctly, I want to make sure (inaudible).

ERICK MEAD: I understand. I appreciate that. So Mr. Sandefur's declining. The next person I have on my list is --

(Inaudible conversation.)

BRANDON SANDEFUR: (Inaudible) the direction we started this.

ERICK MEAD: All right.

BRANDON SANDEFUR: (Inaudible) evidence of something specific to --

ERICK MEAD: Yeah.

BRANDON SANDEFUR: That we talked about.

ERICK MEAD: Yes. You do.

BRANDON SANDEFUR: I mean, I've got --

(Inaudible conversation.)

ERICK MEAD: So to be clear, Mr. -- Mr. Spencer identified the item to which he believed those letters spoke, and I think, in fairness, most or all of them spoke to some element of that, the items that he identified. They were one or two items he identified that they would speak to. That's what I'm asking for everyone here to do is to identify the items they wish to speak to and to tell us what their evidence is as briefly and succinctly as you can. Because we're --

BRANDON SANDEFUR: (Inaudible) speak to number 6 and 7.

ERICK MEAD: Well, then, please come forward, Mr. Sandefur, and -- and identify yourself and your -- your address for the record.

BRANDON SANDEFUR: My name is Brandon Sandefur. I live at 610 East Government.

ERICK MEAD: All right.

BRANDON SANDEFUR: I'm speaking to the variance in harmony with the intent of the purpose, the hardship that it will create for us or for myself, personally, and my family at the end of the street.

Just a tiny bit of history without taking too much time, because I do have 3 minutes. Moving from Nashville, having seen development like this just

pop up in the middle of a residential area where everybody in the area is compromised by what will ultimately come out of this based on size, space, location, this is a personal hardship. This I gave up 29 years in a place to move to where I'm at now. And I'm extremely happy. But I fear what I've seen, you know, in a -- in a -- another city that motivated me to move here is now being bestowed upon me unduly and unfairly. And I just feel like this is -- this is just to the -- to the variance. Maybe the variance is within code and reason. It creates a hardship for me and my wife.

ERICK MEAD: All right. I have a brief question.

BRANDON SANDEFUR: Yes, sir.

ERICK MEAD: And this may apply to others of similar character. So I'm going to go ahead and pose it. Have you considered what the other allowable uses would permit here in terms of --

BRANDON SANDEFUR: I've made no consideration toward that whatsoever.

ERICK MEAD: All right.

BRANDON SANDEFUR: I moved my family and my home from 29 years to a place where I plan to retire.

ERICK MEAD: Do you understand that it can

be a commercial establishment?

BRANDON SANDEFUR: I fully understand it. I own business here in town.

ERICK MEAD: Okay. Very good. Thank you. The next I have is Mr. Devan Dunlap. Or maybe a Mrs., Ms. -- good afternoon, Ms. Dunlap. Would you give us your full name and address for the record, and then tell us what items you believe on the variance criteria -- you have some evidence to speak and provide us.

DEVAN DUNLAP: Yeah. Good afternoon. My name is Devan Dunlap. I'll be speaking on points one, three, and six.

ERICK MEAD: Okay.

DEVAN DUNLAP: I personally reside at 124 South Palafox Place, but I'm here representing Lot 9 of the 600 block of East Government Street and my family's company, Historic Pensacola Properties, LLC. I'm speaking on behalf of my mother today, Debra Dunlap. She's unable to be with us today. She's asked me to read this letter on her behalf. To the members of the ARB, I am the registered agent for Historic Pensacola Properties, LLC, owner of Lot 9 in the 600 block of East Government Street, adjacent to 627 East Government Street. I've been protecting and

preserving Pensacola history for over 30 years, and I am opposed to granting this variance. When I purchased the East Government property, I did so with full knowledge of restrictions for building in this neighborhood including setback lines and maximum heights. I purchased with the confidence that the City of Pensacola would protect and preserve the character of the Seville Square Historic District by holding all developers to the same guidelines. Granting this variance will not only diminish the surrounding property values, it will also diminish the trust the public has placed in your hands. As the guardians and protectors of all of Pensacola's unique historic districts, it is your duty to deny this variance to preserve the character of the Seville Historic District and to protect the ARB's own integrity. Sincerely, Debra Dunlap. Thank you.

ERICK MEAD: Thank you very much. The next speaker that I have is Chris Carrol. Good afternoon, Mr. Carrol. If you would please give us your name and address for the record and tell us what items on the variance criteria you believe --

CHRIS CARROL: Chris Carrol --

ERICK MEAD: -- provide it.

CHRIS CARROL: Chris Carrol, 612 East

Government Street. I want to thank you for approving my house which is right across the street from this a couple of months ago. And thank you.

You know, we're building 10 homes right across, and we're talking about the variance, and I get that when you expand the variance, you're trying to make it bigger. Well, the average -- you know, I don't know if you know this, but the average family residence is 1.9 cars per resident is the average in the United States. He's building 10 parking spots for the units, but he's taking up three or four in the road to get to those parking spots. So really, we're only gaining seven.

Okay. So now, if you go on the national average of where -- he's -- we're -- we're adding 10 parking spots that we don't have. I mean, there's going to be 10 more cars on the average than -- that -- if he's building 10, but in the front where -- where you're going in his parking garages for the variances, that you're giving up three parking spots on the road to get to those. So he's not really putting 10 there. He's actually putting about seven, and there may be four parking spots, but it's three or four.

Well, that being said, if he -- if -- how

many units are here? 10? Is that right? So that would be 19.2 on the national average parking spots that it would take to establish 10 family homes. So now he's adding another 14 parking spots that we don't even have already.

Now, I mean, it's common sense that if -- if you lived in a quiet neighborhood and somebody's really building -- we can go ahead and call it a hotel. The average hotel is 450 square feet. These are 600 or 500 or whatever they are, none -- none of you all would want that in your neighborhood right across the street from you, and I'm directly right across the street from it. I have a kid with special needs. I'm building a new house and with a kid, I don't want an apartment complex right across the street from me, and that's basically what it is. Or a hotel. And none of you all would want it in front of your house, and you know that. I mean -- I mean, I can't even believe that we're even proposing this.

And then a variance, we're going to talk about variances. He wants, what, a 20-foot variance and a 10-foot variance? I'm -- I was trying at one time to think about getting a 1 inch and I felt like that was impossible. And has there ever been on Government Street on this -- on the east side of

Palafox a variance that's -- of this magnitude? On Government Street? I would bet not. I mean, this -- you know, I just think that this shouldn't even be at the board.

ERICK MEAD: May I ask you one question?

CHRIS CARROL: Yes, sir.

ERICK MEAD: Do you know how many parking spots are in the existing commercial structure and its surroundings?

CHRIS CARROL: There?

ERICK MEAD: Yes.

CHRIS CARROL: No, sir.

ERICK MEAD: Okay.

UNIDENTIFIED MALE: There are 21 on the street (inaudible).

ERICK MEAD: Sir. Sir. Sir. There will be an opportunity for you to speak, if you submitted a speaker form. Please do not shout from the audience. We're going to keep this orderly, please. Thank you, sir.

CHRIS CARROL: Yeah. Thank you.

ERICK MEAD: The next speaker I have is Ms. Linda Webb. And again, Ms. Webb, if you would come to the microphone, tell me your name, address, and the items to which you think your evidence may

pertain on the evidence criteria list. Please sit.

LINDA WEBB: (Inaudible) two photos. Did you get that?

ADRIANNE WALKER: That type of information has to be submitted prior to the meeting. The idea is to present the evidence here at the meeting. So if you had something you wanted to show them, you would have needed to print that off.

LINDA WEBB: Okay. I'm sorry I did not do that.

ADRIANNE WALKER: Okay.

ERICK MEAD: So...

LINDA WEBB: Okay.

ERICK MEAD: Yes, ma'am. Please proceed.

LINDA WEBB: Good afternoon. I'm Linda Webb. I'm president of the Seville Square Historic District Neighborhood Association. And we appreciate your time and care. And I'm representing at least 50 members, household members, in our neighborhood.

Got the variance criteria here. Number one, special conditions peculiar to the land. Yes. It is a very odd shape. We admit that. Number three, it -- will it -- it will not confer on the applicant any special privilege? Yes. It is conferring special privilege, in that the photos that I did not print

out, did not bring, I have two photos of east -- the 600 block of -- of Government Street. If you look at those photos, maybe they can be entered into record later. I'm not sure what the procedure is. But anyway, you will notice that they're wood frame houses with setbacks, porches, and not what is being proposed.

Number four, deny the rights. You mentioned Crown Cove being a special zoning area. Well, the part of Crown Cove on -- that faces Government Street does have the wood frame houses with the porches and setbacks. That has not been shown in any evidence yet. So I -- again, I apologize for not bringing those photos, so you can see that.

Number five, if the variance is not granted, is there a reasonable use of the land? I'm sure there is. Probably not what's being proposed, but I'm sure something reasonable can go on that land that would fit and meet all the codes. Thank you. I appreciate your time.

ERICK MEAD: All right. The next speaker that I have is Christy Emmanuel. And to avoid needless duplication, the same instructions, if you don't mind, please.

CHRISTY EMMANUEL: Thank you. Thanks very

much for your time. Put my glasses on here. My name is Christy Emmanuel. I live at 313 South Florida Blanca Street between Government and Zarragossa.

ERICK MEAD: And Ms. -- Ms. Emmanuel, could you please tell us what -- what items on the variance criteria --

CHRISTY EMMANUEL: I don't have the specific items. I can only tell you in regards to the variance and my concerns in opposition to the variance. And I want to explain my reasons why.

ERICK MEAD: I understand. Would you like a copy of the variance? The list should be there in front of you. Just tell us for the record what you believe it's going to speak to so that we speak to this orderly.

CHRISTY EMMANUEL: I thought I was keeping it orderly, but. Let's go with five, that the variance granted is the minimum variance that will make possible the reasonable use of the land structure or building.

ERICK MEAD: Thank you.

CHRISTY EMMANUEL: I do not believe the requested variance will lend to enhancing the neighborhood, let alone its unique character, and I expect that it will exacerbate a scarcity of adequate

street parking.

Based upon the submittals for ARB consideration, it appears to me that the three parking spaces on Government Street immediately adjacent to the project will be lost; thereby, further aggravating the shortage that seems to be the talk of the neighborhood these days.

In terms of the representation, I think I heard from the applicant previously suggesting that this would not -- proposal would not add congestion to a public street. I respectfully disagree. The setbacks zoned for this property in our mixed use neighborhood establish guardrails for what is allowed. I have little basis to object to a development that fits within the perimeters of the prevailing zoning and setbacks and provide sufficient off street parking to promote anticipated occupancy, regardless of the intended use.

I understand the applicant wants you to make an exception. But why? What will be gained by granting this request? Is the promise of increased density with multiple 500-plus square foot dwellings the reason to make a concession? My biggest concern is that the development as proposed with the requested variance will, one, compound the parking issue we

currently face, and two, distract from valuable character of Seville Square Historic District. Excuse me.

I know the quality of the applicant's work. I am confident that his design lives up to the standard he has set in past projects. As a resident of this gem of the neighborhood, however, I strongly oppose the variance request per my comments above irrespective of the design considerations. Thank you.

ERICK MEAD: Thank you, ma'am. The next speaker I have is Rick Emmanuel. And again, sir, if you'll give us your name for the record, your address, and identify the criteria to which you speak. You think you have some evidence.

RICK EMMANUEL: Good afternoon. My name is Rick Emmanuel. I think I'm addressing Items 5, 6, 7, and Item B at the bottom of the page.

ERICK MEAD: Very good. Please -- please, sir.

RICK EMMANUEL: I live at 313 South Florida Blanca Street, two and a half blocks from this project. I walk by the site several times a week as I take my weekly walks around the Veterans Memorial Park. I'm a Florida Bar, board certified real estate attorney. I've spent most of my legal -- I'm already

at 3 minutes --

ADRIANNE WALKER: Continue. Sorry.

RICK EMMANUEL: I spent most of my legal career representing commercial real estate developers, landlords, and lenders. I'm not here to -- today to provide legal advice or a legal opinion. I say this to show to you that I am not antidevelopment, as I spent my life doing development. The increased density that Brian is requesting with 10 units on this project will probably generate about 20 cars on average. It's my understanding that the city requirement for parking spaces is about 18 feet per FDOT code. So there are approximately 17 parking spaces on this block of Government Street. It appears that the three pieces -- spaces immediately in front of the double garage doors will be lost reducing the total number of available parking spaces to approximately 14. On most days, most of those 17 spaces are in use. If 10 cars from this project need to park in the 14 spaces on Government Street, where is everyone else going to park? We have a drastic lack of parking in this -- in downtown, and this would only exacerbate that. I'm concerned that the three double garage doors for the six parking spaces appear to be immediately adjacent to the sidewalk. This will

create a dangerous condition for those of us who walk this area. This is the wrong project for a small parcel at the end of a dead end street. I request that you deny the variances. Thank you.

ERICK MEAD: Thank you, sir. Next speaker I have is, I believe, Roderic Magie; is that right? Mr. Magie, please come forward. Again --

YURI RAMOS: Mr. Chair, can I ask a question of staff?

ERICK MEAD: Certainly.

YURI RAMOS: What is the -- does the -- I guess we're not at that part of the package yet, but does the proposed design meet the parking requirements for that zone? Zoning?

ADRIANNE WALKER: It does. So one space per unit is the minimum requirement which is met with the -- with the design, and just to clarify, too, city right-of-way and parking is not under the jurisdiction of the ARB, and it's not a part of this variance either. Mr. Spencer was referred to Liza Dees in parking who he has consulted with from a city perspective, but just as a reminder, you know, parking is not under the jurisdiction of this board and is not necessarily subject to this variance.

YURI RAMOS: Thank you.

ERICK MEAD: Thank you. Mr. Magie, if you would give us your name, your address, and the items of the criteria you're going to speak to.

RODERIC MAGIE: Yes, sir. My name is Rod Magie. I reside at 609 Crown Cove. I've been a resident there for over 30 years. I'm speaking to Item 6 on the variance criteria that requires that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

I believe as some others have said, there's about 17 parking spots in that block between Cevallos and the end of Government. There are 1.9, according to another witness, and certainly by my 30 years of walking that block, two cars per resident is the norm. There's space allowed for one car per resident in the structure that spills out an excess of cars at this point, 17 parking spots barely suffice to put in the additional amount. Particularly, overnight parking is going to make the whole parking situation out of hand.

I want to say that I have no problem with Mr. Spencer trying to improve that property. He designed my house over 30 years ago. He's a wonderful architect. It's just this particular design is out of character to the public domain. Thank you.

ERICK MEAD: Thank you, sir. The next speaker I have is Stephen Fluegge or Fluegge.

STEPHEN FLUEGGE: Fluegge.

ERICK MEAD: Fluegge. Mr. Fluegge, same -- if you'll please give us your name, address, and the items of criteria you wish to speak to.

STEPHEN FLUEGGE: Sure. My name is Steve Fluegge. I reside at 555 East Government Street. I've owned it since 1984. My family has been in the historic district either as property owners or residents since 1968. I'm talking about Item 6, but I want to talk about variances in general. You all are the guardians of the crown jewel of Pensacola's historicity.

ERICK MEAD: So sir, the -- if you're going to speak to the argument on variance, I don't believe that's germane.

STEPHEN FLUEGGE: Well, my -- my argument would be is that none of them should be allowed, simply so that a developer can make a few more dollars.

ERICK MEAD: Sir, that's argument. I need --

STEPHEN FLUEGGE: And that is my argument. Thank you very much.

ERICK MEAD: Thank you, sir. Next speaker on the form is Lina Stephens or Lina Stephens. And likewise, ma'am, if you'll give us your name, address, and the points of criteria to wish you -- you would speak.

LINA STEPHENS: Thank you for your time. It's Lina Stephens. I currently reside at 607 Crown Cove, and I'm currently in the process of building the house directly next door to this proposed project which is 617 Crown Cove.

You had a question earlier to one of the other homeowners about how many parking spots this property currently has. It has 11 parking spots on the west side directly next to my fence, and it has an additional two or three parking spots on the east side of the property.

You know, I have nothing against Brian Spencer. He designed my house next door to this property. And when I was first aware of what's happening and looked at the pictures, which do not give it justice, it doesn't give it justice how much of an expansion he is looking at doing. We were hoping for some high-end condominiums, maybe four or five brand new neighbors to keep this area quiet. And I'm with the other homeowners, that the variance is

simply so that he can build a project that can turn a profit. If you look at the picture where it's showing 500 to 600-square foot residences, divided by a single hallway on each floor of this building, you're looking at an extended stay -- an Airbnb, a Motel 6 next to a residential single family homes.

As far as variances go, I have a survey team out at the house I'm currently building every month surveying to make sure I don't go an inch past my variances. This property's fence on the west side is currently 6 to 10 inches on -- over my property line. I'm not sure if that's grandfathered in or not.

So I'm against this variance, simply because he's trying to sell a concept to a developer that will turn this property into a dense extended stay next to our single family homes.

ERICK MEAD: Thank you.

LINA STEPHENS: Thank you.

ERICK MEAD: I appreciate the -- the emotion and concern of the property owners in the area, but I will have to remind you to please confine yourself to what is evidence of the criteria, not your views or speculation about the nature of the project or things that are not properly within the purview of this variance request because, one, it's going to eat

up time that we don't need to have, and two, it isn't proper because it's not relevant to the -- to the proceeding.

So Mr. Kevin Stephens, if you would, please.

KEVIN STEPHENS: You already have this picture, but.

ERICK MEAD: And please give us your name, your address --

KEVIN STEPHENS: Yeah. Kevin Stephens, and just speak on behalf of 603 and 605 East Government. So the properties basically to the left of -- of the properties --

ERICK MEAD: Okay.

KEVIN STEPHENS: -- as well as my wife at 607 --

ERICK MEAD: All right.

KEVIN STEPHENS: -- and the Crown Cove.

ERICK MEAD: Which are you going to speak to?

KEVIN STEPHENS: I'm -- I'm referencing the criteria six and seven. The -- you know, six being -- will not be injurious or involved or otherwise detrimental to the public welfare.

As several other speakers spoke about,

there's -- there's 10 parking spots for the 10 units. If this was built in the county, I -- I develop homes as well as multi-family, so I'm -- I'm -- you know, I -- I come up here, and I'm speaking against, you know, developing, and I develop, and I build houses and so forth. I'm just very cautious on where I build those when I'm doing the residential areas. If this was in the county, it couldn't be built because the county requires two parking spots per unit because they know when you look at a unit like that, you're going to have at least two people in there which would be 20 cars minimum.

When I first looked at it, my wife and I's first thought was, you know what? It could be worse. It doesn't look bad. There's going to be something built here. It wasn't until we got the petition and someone -- some of our neighbors chatted with us and actually delved into it and looked at the -- the internal layout that I'm like, this is an Airbnb. This is a short-term rental. This is just like the extended stay right down the road. So this is not going to be affordable housing as it's been touted. Or attainable housing, I think, is the new phrase now.

ERICK MEAD: I'm going to caution you, sir, please don't speculate about things that are not --

KEVIN STEPHENS: Okay. But -- but -- so back on -- I'm sorry, seven, be -- you know, will be injurious to the area involved or otherwise detrimental to the public welfare, so. You pretty much, you know, got unanimous people that are directly affected, those individuals in front of it, those individuals behind it by a hotel or multi-family, whatever this project is being designed to do, so.

Again, we just -- again, already -- already congested and -- and when it comes to the variance criteria, I mean, there's multiple things, as this board alluded to, that could be built there. This is -- so it would not require these variances. So -- so it's not -- it's not that anything else can't be built there, it isn't any structures can be built there outside of this that it's zoned for, we're going above and beyond.

And lastly, I would like to say when you're -- when we're talking about special conditions that wouldn't be conveyed to anyone else, it would be like me coming to this board, and I'm not sure if it would be approved or denied, so I'm not sure if three or four would apply, but me asking for 603 and 605 which has the same zoning right next to the project, for me to be allowed to come all the way out to the

street, I'm not sure if this board would allow that or not, but if this proposed project was approved, I certainly have a good argument on why I can't have mine directly next door, same zoning, same plans, everything, moved out with the same setback. So I wouldn't -- I'm not sure I'd actually ask for that because I wouldn't want to violate what I just said 7-A or 7-B on the variance.

So anyway, that's -- that's -- that's why we're here is to, again, just -- we want to keep our neighborhood the way it is. We like it. I'm all about affordable housing and so forth. But that's -- that's -- that's -- that's not this. This is going to be congested and -- and -- and again, like I said, it's certainly not conducive to the harmony or welfare.

And lastly, as I -- as I clock out --

ADRIANNE WALKER: Your 3 minutes are up.

ERICK MEAD: Your 3 minutes are up, sir.

KEVIN STEPHENS: Okay. Real estate company as well and --

ERICK MEAD: Please.

KEVIN STEPHENS: -- would definitely --

ERICK MEAD: Yeah.

KEVIN STEPHENS: -- lower the property

values in our area having this family --

ERICK MEAD: Thank you.

KEVIN STEPHENS: Thank you.

ERICK MEAD: Next speaker is Stephen Preisser. Mr. Preisser, likewise, your name, your address, and the criteria to which you're going to speak.

STEPHEN PREISSER: Steve Preisser, 626 East Government Street across the street from Mr. (Inaudible). I also am speaking on behalf of the Seville Place Homeowners Association. There's six houses directly across the street. I'm going to address three, five, and six. I also have the petition signed by 49 residents of this immediate area. We struck Kim Stevens off the petition. The petition speaks for itself. I offer those to the secretary for the purposes --

ERICK MEAD: I would ask if we had a statement that can be read into the record by an individual that was identified, that would be appropriate. That certainly has been established. I'm not sure about a petition, per se. I'll ask counsel's direction on that.

KIA GOLDSMITH: Yes. Mr. Chairman, Kia Goldsmith, deputy city attorney. Petitions are not

competent substantial evidence in a quasi judicial matter. So just as you stated, I would recommend that we stick to the statements that can be read into the record.

ERICK MEAD: Thank you -- thank you. And to counsel.

STEPHEN PREISSER: The petition has a preamble which every person had when they signed it. This is the same as a letter.

ERICK MEAD: Sir.

STEPHEN PREISSER: The preamble is the same as a letter; isn't it?

ERICK MEAD: I understand your point. The -- the issue here is, we have to take direction of counsel. I -- we've asked for an opinion. I tend to agree with it, as chair, that a statement that is a preamble isn't the statement of an individual witness. It is a statement they're asked to agree or disagree with. I don't think that's -- in my view, I tend to agree with counsel as a practical matter that it's not going to tell us anything, particular, evidently speaking, so please give us your evidence on those criteria.

STEPHEN PREISSER: I have a letter also on behalf of the Seville Homeowners Association, all six

of us, which I'd like to tender as addressing the criteria.

ERICK MEAD: This is on behalf of the association in the district?

STEPHEN PREISSER: It is.

ERICK MEAD: And you are an officer of that association?

STEPHEN PREISSER: I am.

ERICK MEAD: You may --

STEPHEN PREISSER: I'm actually an attorney.

ERICK MEAD: Well, no, no. If it's -- if it's a statement of the association, I think that is competent. You certainly may read that.

STEPHEN PREISSER: Well, I'll give it to the --

ERICK MEAD: That's fine, too.

STEPHEN PREISSER: And I'll do that when I'm finished.

ERICK MEAD: Yes.

STEPHEN PREISSER: I'm going to make a point about what Mr. Spencer said where they -- there are some --

ERICK MEAD: Could you speak into your mic a little bit so the people can hear you?

STEPHEN PREISSER: There are some properties on Government Street that don't have the setback. He refers to 312 East Government Street built in 1901. He refers to 438 East Government built in 1960. He refers to 610 Crown Cove built in 1984, and he refers to Mr. Kerrigan's office, the one at issue 627 built in 1981. All those variances, all those properties with those setbacks were built 40 or 50 years ago. This building, what he's proposing to do is place a 10-story -- a 10 -- a three-story 10-unit condominium complex on a parcel of land that is more appropriate for a single house. This -- this has -- this property has a use already. There's a building there. It's nonconforming, but that's -- that's -- that's grandfathered in. So there is a -- there is already a use, and he has not shown -- I mean, yes, it -- it cannot take a hotel without a variance, but this is going to be the camel under the tent that anybody that has a piece of property -- and there are other vacant properties on this area. They're going to turn around and say, I want a variance because I want to build a hotel there. There's other uses for this property, and he has to establish that in order to get a variance.

We know for a fact there is because there's

a building on there right now. And that building is habitable and that building is used as an office. How do you not -- I also disagree with it doesn't affect the values and every person, all the 49 people that signed our petition, we sure felt that it affected the values. And I -- I know Ms. Davis, she's a real estate broker. I respect her opinion. But everybody's affected. The 49 of us all think this is going to mess up our home values. You're also going to increase the density. This is not appropriate for the land where it is being proposed. That is the whole point. If -- if this is appropriate for land, and if you're going to grant a variance because the guy wants to build a multi-family dwelling on a single lot, then every -- I tell you what's going to stop, this --

ERICK MEAD: Mr. Preisser, please don't indulge into argument. Please confine yourself.

STEPHEN PREISSER: It's density. You're going to permit it. You're opening a camel under a tent. Thank you.

ERICK MEAD: Thank you. The next speaker is Tracey Preisser. Ms. Preisser, again, please give us your name, your address, and the criteria to which you wish to speak.

TRACEY PREISSER: Good afternoon. Thank you for allowing me to speak. My name is Tracey Preisser. That was my husband, Stephen, who just spoke. We live at 626 East Government Street. And again, I would be addressing numbers five and six. It's a repetition. Obviously, this is a heartfelt argument.

For those of us who live there, I don't see how you can say that it would not affect our quality of life, the density, increase in the parking, and I recognize that the parking is not your jurisdiction except that with this existing building having no setback and being directly on the sidewalk. If you're proposing to do that with this building as well, when you have cars pulling out of a garage, people walking by on the sidewalk, that's a safety issue. There are children. There are pets. There are people riding their bicycles. This is an area right across from the park. So we have a lot of foot traffic coming down our area to cross the street -- to cross 9th Avenue to get into Veterans Memorial Park. And I believe the applicant. Encourage you to go look at the odd shape of the lot. I encourage that as well to -- to grant this variance, to see the size of the building being proposed on this really odd-shaped squashed lot. I

recognize the variance isn't for height. It's strictly for, you know, spreading the -- the footprint of the building. You're talking about the density, just cramming a lot of people on just a very, very small portion of property. Again, it's a very quiet, quaint street, very limited parking, and yes, there will be 10 spots on the bottom floor of this building if the granted -- if the variance is granted. But there is no mandate that those people have to park in those 10 spots. They may very well choose to try to park out on the street, to leave those spots for their guests or somebody else where we cannot even park our cars. A lot of people coming home from work have no place to park and have to park two or three blocks away just to get to your home, to your existing homes. So I recognize, again, that, you know, you're saying parking is not your jurisdiction, but it does certainly affect our quality of life. This is a minor issue.

The address of the property is 627 East Government Street. The variance notification sign was put on Bayfront Parkway. It was not put in front of our homes. We didn't even see it until just recently. We went to look for it. Again, that's a minor thing, but to me, I don't understand why that -- that was not

put in front of the -- the address of -- of the property where the variance is being requested.

I'd like to point out that this variance request, it's not about the size, the color, the shape of the structure. Yes, it's going to be a beautiful building, and yes, the -- the one there is not that appealing. But the people that wrote those letters that the applicant read, they don't live there. The people that live there that will be affected are Crown Cove and Seville Place homeowners, and every one of us are here, and every one of us oppose it because it will affect our quality of life.

ERICK MEAD: Thank you, ma'am. Your time is up.

TRACEY PREISSER: Thank you.

ERICK MEAD: Appreciate it. The next speaker is, I believe, Kathy Tapper.

KATHY TANNER: Tanner.

ERICK MEAD: Tanner, sorry.

KATHY TANNER: Kathy Tanner.

ERICK MEAD: Tanner.

KATHY TANNER: (Inaudible).

ERICK MEAD: Your Ns look very much like broad Ps. I'm sorry, ma'am.

KATHY TANNER: How are you?

ERICK MEAD: Yes. Please give us your name, address, and the -- and the criteria to which you're going to speak.

KATHY TANNER: I'm Kathy Tanner, 421 East Zarragossa Street. I used to be on the Bayfront Parkway at 420 Bayfront Parkway. And I understand the importance of the address of Government Street. I also am -- understand the importance of where you put your sign for your variance requests. And I'm highly disappointed.

I would like to put my name on the petition to say I oppose this. The reason why I oppose this -- and I'm going to go to this because I wasn't quite prepared. I don't do this very often. Is -- is there a special privilege here? Well, I heard letters, and yes, I think they're special privilege from Mr. Spencer's letters. Those are people he works with very closely. They've made a lot of money. So is there privilege on those letters? Yes. If I was going to have a furniture store and somebody asked me to write a letter because maybe I could stage those units, I would write that letter because I'm a businessperson. So I would like those letters really looked at. Okay. So I --

ERICK MEAD: I'm just going to ask, please

don't indulge in argument or --

KATHY TANNER: Okay.

ERICK MEAD: -- you know, speculate about people's motivations, please.

KATHY TANNER: Okay. So the next thing is, is -- okay. There is a motivation here of getting outside of the setback lines. Who does that hurt? Well, that definitely hurts next door. It hurts the light. It hurts the breathing. The street with the garages. Okay. That looks pretty nice, but. Your typical car is going to be 14 to 16-feet deep. What kind of cars are going to put in there? And then there's many cars, and there's children there. This looks identical to a Residence Inn Wing at either like the airport or over on the Bayfront Parkway. It is an extended stay without a general manager. And I think if it is, then the special privilege of having 10 units there might have to go ahead and be incorporated with the rules and regulations of a hotel or a small inn, like the Oyster Bay Inn. But in the meantime, it doesn't look very exciting.

Mr. Spencer is a great, great architect. That is a beautiful piece of property. He can work within those setbacks, and he can make something very stunning there. And at this point I'm very

disappointed. And I'm worried about the drainage, too, on the Bayfront Parkway. With the new Sun Trail and the 6-foot sidewalks that are going in front of his place. And also, the taking down of the trees that were put up by Project Green Shore. So I think everybody needs to think about this a little bit harder and deeper, and even Mr. Spencer -- Brian -- I think you need to get a little bit more creative on being a better steward in our neighborhood.

ERICK MEAD: Thank you, ma'am. The last speaker that I have is Mr. Scott Sallis.

SCOTT SALLIS: Sallis.

ERICK MEAD: Mr. Sallis, if you come forward, give us your name, your address, and the criteria to which you wish to speak. And if you need a list of the criteria, I'm sure we can find another sheet for you.

SCOTT SALLIS: There's not enough time to go through all of them. Hello, everyone. I'm Scott Sallis. I own an architecture firm and some cottages, residential cottages, down the street at 503 East Government Street. To Mr. Chairman and board members, it's a privilege to be here.

Adrianne, I wanted to confirm, of the three -- three line items on the agenda, is this -- is

the variance the only quasi judicial --

ADRIANNE WALKER: That is correct. The variance --

SCOTT SALLIS: Okay.

ADRIANNE WALKER: -- is quasi judicial. The other two are not.

SCOTT SALLIS: Excellent. Thank you. I think that's a large part of what the audience has misunderstood.

ERICK MEAD: That's why we're trying to explain.

SCOTT SALLIS: We are currently in a quasi judicial setting which is very different than an ARB meeting, and it's a true legal proceeding, and we're speaking to this variance that needs to acquire of that. So I'm -- I don't even -- I do not have enough time to go down through all seven, so I would love to, but I'll stick to the first three. And it's just such a privilege to be here in this -- in this city, in this building, and I love seeing this room. I present to this board almost every month and very rarely is there an audience. So I love it when citizens come together. Even if there's controversy, we get to all be heard, and I have --

ERICK MEAD: I am going to ask you to

confine yourself.

SCOTT SALLIS: Yeah, I will. That's my preferences here.

So what I will say is this, I have many clients in this room, too, and they come to me and ask, hey, can I get this through the city? And many of them are concerned when they sit down with me with that, and I'm like, yeah, if we follow these procedures.

So when it comes to a variance, we work very hard to not seek variances because it's saying, may I have an exception to the rules? I can't create a selection within the rules, so may I have a -- an exception to the rules? And if that exception is granted, how would it affect everyone else? So that's a very hard thing to do. A variance hardship is very difficult to prove. And what I often tell my clients is -- they're like, well, what is the scenario that would be the case that a variance might be considered? And truthfully, a situation like this one is an example I give.

ERICK MEAD: Mr. Sallis, you're indulging in some legal argument here, and I -- I'd just like for --

SCOTT SALLIS: Okay.

ERICK MEAD: -- hear what evidence you have to present --

SCOTT SALLIS: Okay. So...

ERICK MEAD: -- on this project.

SCOTT SALLIS: Well, the example being, often in the city, there are buildings that are older than the land development code. And, so, therefore, the placement like this one does not meet required setbacks. And, so, in this case, to build in compliance on the property would force a lesser building, a smaller building. And, so, to me, that's a great example of hardship by location.

Another example of hardship by location is the shape of the -- the shape of the lot and its location. So there's kind of a two-sided coin. You can build a argument against it because it's -- because of its location, and you can build an argument for it because of its location. And I would just like for the board to consider that the nonconforming existing building gives credence to why it should be considered for a new development, and because it's at the end of the road, if -- if there was a roundabout at the end of this road that I know this neighborhood really spoke out against, you would have a radically different solution. But because the neighborhood has

chosen to -- to block it off, this is why -- why we're doing that. So I think the existing building, the existing shape of the lot, and this location is worthy of being considered for the variance that makes this stand out from different properties in the district. And I --

ADRIANNE WALKER: Three minutes are up. I'm sorry. I have to be fair. It's gone --

ERICK MEAD: You're done.

SCOTT SALLIS: I may not be able to speak again. I -- I'm -- okay.

ERICK MEAD: Thank you. And now I'll allow the applicant a brief rebuttal on any points that he thinks needs response, but I'd ask you to confine yourself to points raised in the -- the statement -- the other statements.

BRIAN SPENCER: I'll let the chair determine my time, please, audience, but I will --

ERICK MEAD: The applicant doesn't have a limitation of time --

BRIAN SPENCER: Thank you.

ERICK MEAD: -- your case.

BRIAN SPENCER: So thank you. I took notes, and I do plan on sticking strictly to, basically, rebuttal. Thank you.

Okay. Thank you so much. I appreciate the chance to be up here again. Thank you for all members commenting on this project, even if you are against my -- my proposal. It shows you care.

I do want to say that. I -- A very important correction, I thought I clearly stated I met with Liza Dees. There's not one single loss of an on street parking space even though that's not germane to the variance. And we have a drawing. We've met with city staff, and we are showing how that does not occur. I want to dispel that comment.

One other comment that was made is, I understand the Seville -- Seville Square Association, someone said they represent all 54 members there. That was apparently done with the board of directors meeting. So I know people that were members of that, that were not notified of a meeting that occurred Thursday, and the -- something was presented, but there was no meeting notice for members to attend. Just -- I think that's important. That was a Tuesday night meeting, but that was provided. There was seven board members. No other attendees.

As far as -- I just want to also say, everyone is talking about parking, parking, parking. Again, everyone that has built, everyone that's pulled

a permit in that area knew and know today, they are not building and choosing to be in an R13, R14 where I live in Zarragossa, R15 in gap around where they -- they have chosen to reside and build their house including Christy and Rick Emmanuel in a mixed use neighborhood that has zero off-street requirements, off-street parking.

ERICK MEAD: Mr. Spencer, I think we've established the parking is --

BRIAN SPENCER: Okay.

ERICK MEAD: -- is not germane.

BRIAN SPENCER: Thank you. Well, it sure seems to be --

UNIDENTIFIED FEMALE: (Inaudible).

ERICK MEAD: Ma'am -- ma'am, please.

BRIAN SPENCER: Okay. Finally, I just have to share this, and I do it with a bit of humor about a comment, about the -- again, the proximity of the garage doors. Mr. Rick Emmanuel was my attorney who wrote all of the legal documents when I was developing Baylen Lofts on South Baylen, a much more heavily trafficked project with much more pedestrian activity. Coincidently, I saw Mr. Emmanuel walking the other day to the park. He, like everyone else, walks down the middle of the dead end street.

ERICK MEAD: I would also --

BRIAN SPENCER: Okay.

ERICK MEAD: -- ask you to refrain from personal comment or motivations.

BRIAN SPENCER: But -- and as far as a comment about inferring that this might be a -- a Motel 6, I dare to say that there's nothing that could be further from the truth on that.

And as far as where our District 5 ECA representative whose primary home is in Molino resides versus Crown Cove, I'm sorry, but that -- this particular massing, in fact, they said it, it distracts from the air, light, and quality. There could be a project that very much changes the view corridor that this project maintains to the east for the adjacent property. I was very respectful because they are friends. I did design that house, and I thought how important it was that they could still look to the east.

Finally, the garage lengths, the bays and the widths, if anyone works with me, it's my pet peeve to have a garage that's too short and not wide enough. These stalls for these cars are 11 feet wide and 22 feet deep each. They are exceptionally large. So people will very much want to park in this -- in the

shade in these parking spaces.

ERICK MEAD: All right.

BRIAN SPENCER: Okay.

ERICK MEAD: Sir, please don't speak.

BRIAN SPENCER: Thank you so much, everyone. I know that I've sat in your seat, and I'm -- I hope that you grant -- grant approval for this variance request, so we can have the next part of the show.

ERICK MEAD: All right. So with that, you conclude your rebuttal. I think we will close the evidentiary period portion of this -- this quasi judicial hearing, and we will undertake deliberation on the variance by the board.

So from this point forward, please refrain from comments in the audience as we conduct our deliberations and determine what we're going to do with this application, so. I'll open it up to the board for their questions or comments or points that they would like to raise. Who's --

YURI RAMOS: Mr. Chair, if I may.

ERICK MEAD: Yes. Mr. Ramos.

YURI RAMOS: I just want to clarify that as a board member, you know, reviewing variance criteria, we -- I personally try to -- you know, if I hear a

comment that -- something that it's not ideal that you don't want or you don't like, personally, but it meets code, we -- I feel that as a board member you have to almost not take that into consideration because the applicant is allowed the right to the code; right? So we all follow the same code. If aspects of this meets code, it is allowed in. And the example is parking. The example is use, density, high -- all those things, and I understand it's -- it's change, and it -- it's going to affect your lives, your daily lives; right? So I sympathize with that, but it -- those things meet code, so we don't -- I feel that we can't necessarily take them into consideration.

I have a question for staff. When we do this -- these variance proceedings, the design that's being presented, how much are we taking in -- because I -- you know, I have issues with some of the design aspects that I plan to address when that item comes up. And you know -- and just give an example, the garage, you know, typically, we don't approve garages on this neighborhood or anywhere really in the historic district; right? So from that standpoint, the -- what's being proposed I would not approve, but from a variance, you know, looking at the variance criteria, I do feel that the applicant has a -- a

point that is relevant. This is an odd site. It's a dead end street. It's -- it's kind of sat in its own area, even though it's a part of a greater larger neighborhood. It almost seems like it's part of that SSD. You know, it naturally looks that way unless you're looking at a zoning map. That's the only reason you would know that it doesn't belong to that SSD. So I think there's merit to the variance request, and I'm not saying that I will approve the variance request. I'm just saying -- I'm just trying to explain that in my mind a variance and what the design is are two different things.

ADRIANNE WALKER: Mr. Chair, if I may.

ERICK MEAD: Yes, ma'am.

ADRIANNE WALKER: You're correct. So for this variance proceeding, you are purely looking at the request to reduce the front and rear yard setbacks. You are not reviewing it from an esthetic standpoint, the materials provided as a visual representation to provide context to the request, but you are really solely focusing on the site plan, if you will, and the reduction of those setbacks. You could very well approve this variance, and then deny the conceptual application because of things that maybe don't meet the historic district's code, so.

This really is only about allowing that reduction of setback. You are not approving the conceptual design by approving the variance.

YURI RAMOS: Thank you. Thank you, Ms. Walker. And with that clarification, I would just like to state that, in my opinion, I think there's merit to the variance request for the Bayfront setback, the setback on Bayfront. But I do feel that the East Government Street set -- or variance request is -- is, perhaps, not as appropriate as the one on Bayfront because it's -- it's -- it is requesting a -- what we -- what I would say a privilege that the neighboring -- any -- any neighbor that would like to build a new home in that neighborhood would not have, but I do think that when you look at Bayfront, when you drive down Bayfront, and you kind of try to understand the qualities of that streetscape, that bring in that building closer to that property line is not detrimental to the overall sort of quality of the neighborhood.

ERICK MEAD: If I may, to privilege, I want to respond to that point. I -- I would tend to agree with you just on the overall concept, Bayfront versus Government, if this was not a triangular parcel, because effectively, those -- those -- those setbacks

converge at the point. And, so if this was a rectangular -- a rectangular property, you would not have these same types of limitations on that -- on that east side that is driving some of this determination. So I make that distinction for my purposes, and I'd just thought I would make that comment since it was germane to what you said. So yes. Yes.

LOU COURTNEY: So if you are talking about approving a variance -- I mean, so is that possible that you can approve one side and not the other? Or is it just like --

ERICK MEAD: I think that's a question for staff as to the scope of the --

LOU COURTNEY: Variance.

ERICK MEAD: Of the application. So I think the question is, is there or are there variations of this application we can accept and reject others or what is the position of the city on that?

ADRIANNE WALKER: I mean, typically, I believe it is whatever is stated in the variance application and what has been applied for, but I might have to defer to Kia. Is that possible to approve certain aspects?

KIA GOLDSMITH: The applicant would need to withdraw certain aspects for you to not make a ruling on those portions.

ERICK MEAD: Understood. Thank you. An important question. Thank you. Other -- other board members like to speak? Mr. Fisher?

SCOTT FISHER: No.

ERICK MEAD: No. Mr. -- Mr. Del Gallo.

DAVID DEL GALLO: No. I'm struggling with this one. Staff, if -- if this stayed a commercial property, what's the height restriction on the commercial property in this location?

ADRIANNE WALKER: That is a good question. I think because of -- I've got too many papers. The height for this zoning is two and a half stories, 35 feet max. And we measure height from finished floor elevation to roof peak, so the occupiable space. So obviously that first floor parking is not considered in the height calculation. Because it's not occupiable. So 35 feet is the max --

DAVID DEL GALLO: 35?

ADRIANNE WALKER: -- without seeking a variance.

DAVID DEL GALLO: All right. So conceivably, if someone wanted to leave this

commercial and put another floor on that building, if it structurally could hold it, there could be a third floor on top of the existing building to go to 35 feet? 34 feet?

LOU COURTNEY: Do we know what -- the existing building, how high it is now?

ERICK MEAD: It's only two stories. I've been inside of it. It's a law office, and it's -- and it's like 8-foot ceilings. It's not that -- it's not that high.

ADRIANNE WALKER: Somebody in the audience said it's 31 feet high, existing building.

ERICK MEAD: I -- I have a couple of points I think I'd like to make, if there are no other comments from the board. One -- one of the features of the historic district -- and this is where I -- I think we need to think carefully about this. If we take the existing modern setbacks for new development and we apply them consistently to structures that for whatever reason, God forbid, we have a hurricane and somebody comes in and has to build a new structure, well, we have actually a provision in the Code 12, 3, 10, 2D to Sub Roman Numeral III, and it says that no provision of this section shall be interpreted to prevent the restoration or reconstruction of any

historic building or feature as listed by the Pensacola Historic Preservation Board in its original style, dimensions or position on its original structure or foundation.

It's important to understand that the siting of buildings in the historic district is a fundamental part of its character and the variation in the siting of those structures which is quite wide and varied throughout the district is an -- is an inherent element of its character as a historic district with, frankly, somewhat haphazard, in some cases, siting requirements which give it a lot of its character because it is not a cookie cutter -- it's this much forward, and it's not a subdivision. We have elements of that which this board has reviewed, and for instance, Old East Hill where we have some other smaller structures that are literally sitting on the sidewalk, and we've looked at that, and we've valued those questions as that variety of that siting that comes from the historical character of the development of the districts that we try to respect as a board and have -- have talked about and acted upon in many settings.

The district here, I think, is that this is a noncontributing structure in terms of its vintage is

probably the '70s or '80s, I think, when it was built, but it's nonconforming, and it's built, however, in a manner that is consistent with the historic character of a building built directly upon the lot line which is a -- a feature that you see in -- in the district and in -- in other areas of the city with similar characters to this. Old East Hill being one I just mentioned. And I think it is -- it is certainly something we don't want to be overzealous about those siting requirements where there are issues that have been put forward as to the limitations of the site. Again, I've mentioned the triangular nature of it which limits one side's application so that you have converging setbacks on one side. In this instance, the applicant seems to have addressed itself to one -- relinquishing some of the nonconformity on -- on that zero lot line side in order to accommodate some concerns about sight lines and whatnot and pedestrian for the -- for the garage, that seemed to make sense to me, just as an overall design feature.

But the issue here is that by relinquishing that nonconformity in the existing footprint, they're simply extending to the east and west respecting the existing setbacks for the new footprints that are outside of the prior footprint. That seems, to me, to

make a difference in that respect. It's certainly not enlarging the nonconformity.

Now, whether this qualifies as a grandfather or not is a legal question I'm not going to speak to. And I don't think it's part of the variance because we're asking explicitly for an exception to code provisions that might otherwise apply.

But under these circumstances, I -- I tend to think that these criteria have been met because those special conditions that are there are not the fault of the applicant. They do contribute to the character of the neighborhood, and to remove them in order to force a setback artificially in this setting on a nonstandard lot unlike any of the other lots surrounding it and certainly not like the ones that directly abut it, I think, would be an exercise in form over substance.

And in that respect, I think this is an appropriate variance because I do think that these -- these interpretations for this site and for this building given its history and its place in the historic district, I think, is appropriate because what we're talking about here is just a footprint, and we're talking about de minimus variations from an

existing footprint, some of which relinquish a nonconformity that exists, otherwise, in that structure to the benefit of the pedestrians because it's going to push back that -- that frontage foot -- setback. And I don't think doing any -- any injury with respect to the overall character of the structure -- a structure. I'm not speaking to the use. It's irrelevant for this purpose. Just like it's irrelevant for the -- the other structures in the adjoining areas or across the street.

So I think that under these circumstances, I -- I would tend to find that all of these criteria have been met by the evidence submitted, and I have heard -- I've heard no substantially weighty evidence that -- that conclusively rebuts that evidence to my mind. And I'm of a mind to likely grant this variance request.

UNIDENTIFIED FEMALE: Can't hear you.

ERICK MEAD: I'm of a mind to grant the variance request on these criteria because I think that they have all been met. And I think we need to respect the -- the nature, the unique nature, of the district and -- and keep those idiocratic things that are in the district that are consistent with its character as much as we can or we will lose it

entirely. That's my view.

With that said, is there any other points or any response to that or any other comments that any other board member wish to make? Hearing none, that will close our deliberations.

Do I have a motion or is there anything else we need to take up, staff, before we undertake a motion?

ADRIANNE WALKER: No.

ERICK MEAD: Madam counsel, is there anything else that we need to accomplish here for purposes of our quasi judicial hearing that we have overlooked?

KIA GOLDSMITH: Nothing else. Thank you, Mr. Chairman.

ERICK MEAD: Thank you. With that, I'll entertain any motion.

YURI RAMOS: I think Ms. Courtney had a comment.

ERICK MEAD: Yes. Ms. Courtney.

LOU COURTNEY: Just --

ERICK MEAD: Yes.

LOU COURTNEY: -- was there any determination about one side versus another or is it just a blanket you get the variance or you don't get

the variance?

ERICK MEAD: I believe I understood counsel to say that you take it as it's presented, and we have to make --

LOU COURTNEY: Okay.

ERICK MEAD: -- a decision on it.

LOU COURTNEY: Okay. Yeah. Because he would have to -- okay. Okay.

ERICK MEAD: Again, I'll tender it for a motion. Hearing none, I will move to approve.

YURI RAMOS: Mr. Chairman, I'll second that motion.

ERICK MEAD: We have a motion and a second. Is there any discussion on the motion before we vote? Seeing none, I'll call the vote. All in favor of the motion say aye.

(All said aye.)

ERICK MEAD: All oppose say nay.

DAVID DEL GALLO: Nay.

ERICK MEAD: All right. That is a vote of four to one in favor of the motion. The motion passes. And the variance, I believe, is granted.

ADRIANNE WALKER: Correct.

ERICK MEAD: Madam secretary, what is the next item on our agenda? And we've been going for a

while here, would it be an appropriate time to take a small comfort break? For all concerned? I think it would be. Time to change.

ADRIANNE WALKER: We don't typically, but you are chair, so that's up to you.

ERICK MEAD: I'm going to make the -- make the determination. We'll take a five-minute comfort break and go on.

(A brief recess was taken.)

ERICK MEAD: The board will come to order again. If you'll please take your seats. Madam secretary, what is next on our agenda?

ADRIANNE WALKER: Thank you, Mr. Chair. The next item is 627 East Government Street, Pensacola Historic District, Zone HC-1, City Council District 6. This is demolition of a noncontributing structure. Brian Spencer is seeking approval to demolish a noncontributing structure to allow for the development of a multi-family residential structure. The 6,966-square foot structure was built in 1981 and does not require replacement plans to be provided, but the next agenda item is a conceptual review of the proposed multi-family residential development. We have our applicant present, and with that, I will turn it over to you, Mr. Chair.

ERICK MEAD: Thank you. Will the applicant please come forward and present your application, and again, please give us your name and address.

BRIAN SPENCER: Thank you, Mr. Chair. Members of the ARB, my name is Brian Spencer. I currently reside at 4040 Dunwoody Drive, Pensacola, Florida, and my office -- I work at SMP Architecture, 205 East Intendencia.

ERICK MEAD: Please, go forward.

BRIAN SPENCER: Yes. Thank you. We are proposing the removal demolition of this building located at 627 East Government Street. I would, Mr. Speaker, like Ross Pristera to offer his historic knowledge or search about this building, but after reviewing records and archives myself, I cannot find any reason that this would be classified as a contributing structure in the Seville Historic District, but I'm not an authority.

ERICK MEAD: Okay. Mr. Pristera, what can you tell us?

ROSS PRISTERA: Not much. Built in 1981. Doesn't -- it kind of matches the architecture of the district at that time, which reflects the '80s style of what a historic building in this district would most likely fit into, so. The Government Street size

is the weakest example of that. It focuses all of our effort on the Bayfront side architecturally. So losing it is not looking at just not -- looking at what's going to replace it. Anything else with that, they -- the loss of this building would not be detrimental to the district.

Also, the -- this whole block that sits on, there's no historic buildings there across the street. There's no historic buildings. I think the closest one is -- there's a few when you get on Cevallos there. So it's kind of in an island of itself surrounded by modern infill, and it's a -- it was a modern interpretation of a historic building when it was built in the '80s, so.

ERICK MEAD: All right.

ROSS PRISTERA: Not detrimental.

BRIAN SPENCER: I have no further comments.

ERICK MEAD: Okay.

BRIAN SPENCER: Unless, Mr. Chair, the board wants to ask me anything.

ERICK MEAD: Well, we will be opening it up to -- to public comment here in a minute. I see a hand in the back. So if you would just please be patient with us, we'll get to that point of the -- of the proceeding. Are there any questions for the

applicants or comments from the board?

BRIAN SPENCER: By the way, I will add this -- I -- just because Mr. Del Gallo had a comment that made me think that would be appropriate now, this building originally was built as a one-story building. The second floor was added. Its structural capability or capacity to handle any additional structure on it would likely not be possible.

DAVID DEL GALLO: Thank you.

ERICK MEAD: All right. With that understanding, no comments or questions from the board, any -- any other things from staff on the application that we should be of note? Well, I'll open it up to public comment. Sir, have you signed a speaker form?

UNIDENTIFIED MALE: (Inaudible) fill out.

ERICK MEAD: Well, if you would, please, sign the speaker form and have it delivered to the secretary, then we'll get to you in due course. I have a application -- or speaker form for Mr. Sandefur on this demolition request. Is Mr. Sandefur still here?

UNIDENTIFIED MALE: No.

ERICK MEAD: He's not. Ms. Devan Dunlap did not wish to speak on this item. Mr. Carrol wish

to speak on this item? Is he still here? He does not appear to be. Ms. Linda Webb wish to speak on this? Yes, Ms. Webb, please.

LINDA WEBB: Not at this time.

ERICK MEAD: Not at this time. All right. Let's see. Ms. Christy Emmanuel wish to speak on this topic?

CHRISTY EMMANUEL: (Inaudible).

ERICK MEAD: She will not be speaking. Very good. Mr. Rick Emmanuel indicated he wished to speak on this topic.

RICK EMMANUEL: (Inaudible).

ERICK MEAD: No. All right. Mr. Magie did not wish to speak on that. Ms. -- Mr. Fluegge wish to speak on --

STEPHEN FLUEGGE: Yeah. I'd like to say, just --

ERICK MEAD: And again, for the record, your name --

STEPHEN FLUEGGE: Yeah.

ERICK MEAD: -- address.

STEPHEN FLUEGGE: I'm Steve Fluegge. I live at 555 East Government. As I stated earlier, my family's been here since 1968. That building -- to agree with Brian on this point, that building was

there a lot -- he stated it was built in 1981. It was built long before that. It was remodeled in 1981. It was originally Hart Reality, and that's about all I have to say about that. I don't know what code is on making a structure historical as far as its age goes, but I know that it was here at -- at least by -- in 1968, so. That's all I have to say about that.

ERICK MEAD: I mean, for the record, I mean, it's my understanding that the -- those criterias set out by the secretary of the interior and the criteria for the district in question, and in some cases for specific structures, but usually, it's just for the district, and it's not a contributing structure to the district, so.

ADRIANNE WALKER: Yeah, that's correct. During the time of the survey, it was deemed noncontributing. Usually 50 years old is a baseline which some of these structures weren't 50 years old when the surveys were done, but. But for all intents and purposes, this is noncontributing.

ROSS PRISTERA: It's --

ERICK MEAD: Yes. Mr. Pristera.

ROSS PRISTERA: So the first floor was built at a later -- or earlier than '81, but it didn't meet the 50-year mark then, but it would be 50 years

now. I'm basing it off of and what the interior would say is the most -- most significant renovation which was '81. So it feels resurveyed, even though the base would be older. I would say the whole building in general is '81 because that's what you're seeing.

ERICK MEAD: Thank you for that. The next speaker I have is Ms. Lina Stephens on the demolition.

LINA STEPHENS: No. Thank you.

ERICK MEAD: She's not going to speak. Mr. Kevin Stephens on this item.

KEVIN STEPHENS: Not at this time.

ERICK MEAD: Not at this time. Mr. -- Mr. Stephen Preisser wish to speak? Is he not here? Okay. And Ms. Tracey Preisser is also not here. Ms. Tanner.

KATHY TANNER: I would like to speak.

ERICK MEAD: Yes, please, Ms. Tanner, come to the microphone again and state your name and address for the record.

KATHY TANNER: Hi. I'm Kathy Tanner, 421 East Zarragossa, Tanner Reality of Northwest Florida. And you are an architectural review board, preservationist, and I'm looking at your architectural review board agenda here, and I see that 627 East Government Street wants a demolition. And then I'm

seeing that 500 Bayou Boulevard which is a historic structure will probably pass and get a demolition.

Well, I know that there's a man named Ducky Johnson, and he can pick that up, and I know that, that house at 500 Bayou Boulevard is like a steamboat house. So why don't we just kill a bird -- just take this one down and bring 500 over, and that's my food for thought for you guys. You are a preservation board. And let's save 500 Bayou Boulevard that so many of us love.

ERICK MEAD: If I could wave a wand, but. All right. So Mr. Sallis. And needless to say, the former rules do not apply in this setting, so.

SCOTT SALLIS: Yeah. Mr. Chairman, board members, I'm -- I'm here today because I was told that I also had originally written a letter, and I was told that that could not be considered in quasi judicial, which I thought was all of the items. So thank you for clearing them for that, and that's why I'm signed up for here.

So I will simply just use this opportunity to go on record and say that because of the variance and because of the proposed design, I support the demolition of the building, and many times where I have presented to the board before, demolition could

not be considered unless a vision was cast. So I'm grateful that you have all of that, and in light of all of that, I support demolition of this building.

ERICK MEAD: Thank you, sir. My last speaker, I believe, it's -- is it Robby Yawd?

ROBBY YAWD: Yawd.

ERICK MEAD: Yawd. Mr. Yawd, please come forward, give us your full name, and address for the record.

ROBBY YAWD: Robby Yawd, 618 East Government Street.

ERICK MEAD: Now, sir, what would you like to say?

ROBBY YAWD: I would like to know if a -- an asbestos survey has been done on this building.

ERICK MEAD: I -- I don't know that we have that information.

ROBBY YAWD: Well --

ERICK MEAD: Do we have that information, staff?

ADRIANNE WALKER: No. That information was not provided to us.

ERICK MEAD: Is that --

ROBBY YAWD: I think it needs to be provided before we go to demolition.

ERICK MEAD: It -- is that something within the purview of this board or is that something that is handled by building inspection?

ADRIANNE WALKER: That's correct. This is -- that's not under the purview of the ARB. That would be something that would be dealt with, with permitting and inspections.

DAVID DEL GALLO: It's typically required by permitting to have one done.

ROBBY YAWD: Well, let me ask the architect for the project. What -- Brian, has a -- as a ---has an asbestos survey been done on the building?

BRIAN SPENCER: No (inaudible) required (inaudible) demolished and developed many (inaudible).

ROBBY YAWD: I understand that. I just want to know if it's been done.

BRIAN SPENCER: Not to my knowledge. It would be absolutely (inaudible). I bought several buildings. Asbestos removal is a highly regulated process in demolition (inaudible).

ROBBY YAWD: Also, I was wondering if a tree survey has been done.

ERICK MEAD: A lot of it -- I mean, is that something that is required for the demolition? Or is that something that is for a building permit?

ADRIANNE WALKER: For -- in terms of demolition, the -- whoever chooses to demolish it, if approved, will have to coordinate with the city arborist to make sure that any protected trees or any trees that need to be properly mitigated will be, and that is all part of the permitting process, but not necessarily to the purview of this board.

ROBBY YAWD: Okay. Thank you.

ERICK MEAD: I -- that's the last speaker we have. I do have a question for the applicant, since I have -- since we have him here. One of those trees is a fruit tree on the very point of the -- of the property on the 9th Avenue side. It appears to be a Jujube, which you don't see many of those running around here. Is that -- is that tree going to be saved or is it going to be taken out?

BRIAN SPENCER: On the site plan that was presented today, shows that it remains. And by the way, it's a delicious nontoxic fruit. I tasted it the other day.

ERICK MEAD: All right. Any other comments or questions from the board on the demolition? Seeing none, do we have a motion?

DAVID DEL GALLO: I make a motion it be approved.

ERICK MEAD: We have a motion.

YURI RAMOS: Second.

ERICK MEAD: Do we have a second? A motion and a second. Any other comment or questions? Move to vote. All in favor say aye.

(All said aye.)

ERICK MEAD: Opposed say nay. Hearing none, it passes unanimously. Next item, madam secretary.

ADRIANNE WALKER: Thank you, Mr. Chair. The next item is 627 East Government Street. This is Pensacola Historic District, Zone HC-1, City Council District 6. This is a new multi-family residential construction. Brian Spencer is seeking conceptual approval for a new multi-family residential structure. Proposed a first floor parking beneath second and third floor residential space composed of 10 units. We have Mr. Spencer present, and with that, I will turn it over to you, Mr. Chair.

ERICK MEAD: Thank you, madam secretary. Mr. Spencer, give us your full name again, address for this portion of the record.

BRIAN SPENCER: Yes. And in honor of my father, I will add my middle name. Brian Kenneth Spencer. I reside at 4040 Dunwoody, Pensacola,

Florida. And work at the offices of SMP Architecture located at 205 East Intendencia.

ERICK MEAD: And please give us your presentation.

BRIAN SPENCER: Thank you. Mr. Chair, members of the ARB, I am proud to present today a proposed new build project that would provide -- that will provide and -- and meet the stay within the density of number of dwelling units permitted or permissible on a property of this size. The density is allowed due to additional two units because of what is called green architecture, meaning there are -- you are using energy saving materials. The building department reviews that for proper energy saving measures, energy saving appliances, et cetera, but I just want to make sure everyone knows that we have had staff -- I've had staff meetings with city planning and with -- we had a one-stop meeting as well. So all department heads have participated in reviewing this project to assure that no additional exceptions, variances, et cetera, are necessary.

As I stated earlier, one of the voids we have in our -- in our area downtown which is becoming -- has become, not is becoming, a very popular and desirable location for people to be able

to reside whether it be a primary home or a secondary home. I know that, for instance, I think this is relevant, Brent Lofts has units similar to this size in that restored building. There's an entire floor that is strictly -- it's not short-term rental, and it is -- it has sold all of the units. People, for instance, that are executives or live in Beulah that work at Navy Federal that want to be able to have a second home downtown, they have chosen to do so, but there are also people that -- that -- again, that live at Brent Lofts. There are people that want to be able to live downtown in this walkable, mixed use neighborhood, and this project is providing 10 residences. And as you know, the -- the design guidelines, this particular parcel unlike some of them in the district, this is not considered the brick structure district or a site specific for brick structures but is the Wood Cottage District. And the vernacular was designed to -- to match the -- the ARB's and the LDC design guidelines for such.

Adrianne, I think we have some renders -- renderings that have this with the drone topography showing there -- there. There. So that is actual.

The neighborhood, as you see it, Mr. and Mrs. Stephens' second residence is there, the white

one that SMP Architecture designed, and this provides one of the -- I think the best aerials and perspectives of how this project sits in the neighborhood. So I -- it meets all of the -- in terms of life safety code, egress to means of egress. As you saw, there's an interior stairwell, an exterior one with an elevator, and I want to make this comment, as we all are aging, many of us, many of us are aging.

UNIDENTIFIED FEMALE: Some of us are not.

BRIAN SPENCER: Right. Thanks. As I'm 68, but many people prefer to have single level living. These are what some people in the real estate industry would call flats while townhomes could be done here. I think Ms. Kathy Tanner, who sells real estate, knows that there's only a certain sector of -- in terms of demographics that feel comfortable living on one, two or three levels.

KATHY TANNER: (Inaudible) elevator.

BRIAN SPENCER: Right. So this provides for people to live in their residence on one level using an elevator to get there. The -- some of the -- again, the vernacular stays true to the intent of the Seville Historic District design guidelines using lap siding, wood trim, brick base, and since this drawing was done, thanks to the comments from the Seville

Square Neighborhood Association, a second drive has been eliminated on the east side, and a single west drive exists allowing for much more landscaping including the incorporation of the grasscrete.

And of course, the -- the balcony language, I know that Kevin and Lina Stephens prefer a much more contemporary look, so. And in the SSD, they are able to have that design latitude. This parcel does not allow that. So there are intentionally trial balconies with wood columns instead of steel supported cantilevered balconies and such. We do have some further modifications that if we make it through conceptual, then certainly I hope that I'll be able to show you different roof forms that we have been including a hip roof, but for today's conceptual, I'm hoping that you all -- that I can answer all of your questions.

ERICK MEAD: All right. I would have a question for staff. What are our review criteria for the conceptual design in the historic district? We've spoken a good bit about that part of it. But we are in the -- this is historic district for some of the design features that we would be looking at. What are the criteria for this review?

ADRIANNE WALKER: For conceptual review,

you're looking at massing and scale is a complimentary to the streetscape. For conceptual, it could be far less detailed than what you're seeing. He didn't necessarily call out materials which isn't required for conceptual. There will be some, you know, material considerations, though, being new construction, you can use hardy, you can use clad windows, and things like that, so it's really just massing and scale and does it fit the character of the district in the area.

ERICK MEAD: Very good. Thank you. I'll open it up to comments or questions from the board.

YURI RAMOS: Mr. Chairman, if I may.

ERICK MEAD: Please.

YURI RAMOS: Mr. Spencer, brief -- you know, the previous agenda items we talked about the garage doors. On your rendering, there seems to be sort of a security grade kind of thing, and then in the package --

BRIAN SPENCER: Right.

YURI RAMOS: -- that we're reviewing now, there's a, you know, more trial residential garage door.

BRIAN SPENCER: And I believe -- intentionally, yes, and we had done some renderings,

Mr. Ramos.

YURI RAMOS: Just so I -- my -- my main concern with it is that I don't -- I don't think that having the -- and I know that in the governmental district there are some townhomes that have those garage doors that are right up to the sidewalk, but in this district, I think we kind of shy away from that, and I'm wondering if your team has thought of any other way to maintain your parking, which I think is a -- a bonus; right? Without having the actual garage doors there.

BRIAN SPENCER: We have, and we even started the project with a -- an intent with a very open air, and then I canvassed some people, and people that I respect, and they felt that instead of the open air sort of Pensacola Beach look that a higher end carriage house door that is -- evokes a wood type finish and does everything to minimize what are the up -- what are upward acting sectional doors, that's kind of the industry term, where you see the seams running horizontally. So we looked for a quite expensive door that would -- what we feel would be appropriate for, especially down at the -- this portion of Seville, and again, at the end of the dead end street.

YURI RAMOS: Is that the doors at the last page of the package that --

BRIAN SPENCER: Yeah.

YURI RAMOS: -- you're talking about?

BRIAN SPENCER: Yes.

YURI RAMOS: One is the wider, the --

BRIAN SPENCER: It's -- you know --

YURI RAMOS: -- on the fence.

BRIAN SPENCER: -- we don't know where -- right now in conceptual review, I will say this. The white one has much more pleasing, what we think, window pane proportions. Those window panes are vertical as opposed to the brown stained one with the horizontal glass pane. Typically, a vertical window pane is more historical than horizontal, so. Wood stain versus color, yet to be determined, Scott, but definitely the style of the one on the bottom. The -- yeah.

YURI RAMOS: Sorry, I didn't mean to interrupt.

ERICK MEAD: That's all right.

YURI RAMOS: Mr. Chair, if I may ask one more question of staff.

ERICK MEAD: Please.

YURI RAMOS: What -- could you please

clarify, Ms. Adrianne, could you -- Ms. Walker, could you please clarify the parking requirement for this -- this district for residential use?

ADRIANNE WALKER: So for this particular development, it's one unit -- one space per unit is the requirement for the development.

YURI RAMOS: Within the property?

ADRIANNE WALKER: Within this property.

YURI RAMOS: Okay.

ADRIANNE WALKER: Yeah. For the development that he's proposing.

ERICK MEAD: Yes, Mr. --

SCOTT FISHER: Are there additional curb cuts being done for this?

BRIAN SPENCER: It would be -- I would have to -- Brad Hinote, and I -- we have met, and it could be a -- what is considered a road curb that has instead of the aprons that's yet to be determined, but there's not actually a hard vertical curb there currently.

SCOTT FISHER: Did you consider --

BRIAN SPENCER: But Baylen Lofts, we -- we have the a --

SCOTT FISHER: Trying to come --

BRIAN SPENCER: The apron.

SCOTT FISHER: -- west side with --

BRIAN SPENCER: Yeah.

SCOTT FISHER: You know, with the --

BRIAN SPENCER: Yeah. The building footprint doesn't allow for the turnarounds and the --

SCOTT FISHER: It's really close to the --

BRIAN SPENCER: The double aisle.

SCOTT FISHER: To the sidewalk as far as walking by (inaudible).

BRIAN SPENCER: The -- it's the same condition does exist in many other parts of the city.

ERICK MEAD: Any other questions or comments from the board?

BRIAN SPENCER: Scott, I'll just add, there are ADA requirements that disallow any curb cuts that would not meet ADA for walking on the sidewalk. That would have to be respected.

ERICK MEAD: If the other board members have no further comments, I have a couple of things. One, I do echo that in the final submission, I think, something is going to really suitably fit the garage door profiles to what you're aiming for -- for a historically inspired new construction, I think would be appropriate. I think there's a number of different ways to do it. But it's going to be such a prominent

feature on that facade that I think it's a really important element, and I -- I applaud you for looking beyond sort of the off-the-shelf approaches, but I think it's going to be an important factor, at least, for me, in terms of the final design. I also appreciate the masonry base which is taking a page from the existing structure which was historical and an inspiration as well, and I think that helps a lot. I think that the -- the cantilevered elements are also consistent with, you know, a historical inspiration in that fit.

That said, there's some of the details, particularly the roof, I -- the blind -- the blind dormers, gable dormers, I don't think worked for this. And I think somebody said something about Residence Inn, and I think that is exactly -- that's kind of the -- that's the sensibility.

BRIAN SPENCER: They said Motel 6.

ERICK MEAD: Well, Residence Inn. I thought we heard -- I tend to echo that sentiment --

BRIAN SPENCER: We have an entirely new roof form that -- to present.

ERICK MEAD: And I understand this is for conceptual review --

BRIAN SPENCER: Yeah.

ERICK MEAD: -- which is why I wanted to make sure we clarified with staff for everybody's consideration about what we're looking at, and the comments are directed to hopefully a suitable final design as opposed to what we're looking at for here, but I thought it was useful.

The other point that I think would be useful is that -- the tower element on the -- on that end, I think this is purely stylistic, but it could be a defining feature, and it would help to anchor the whole building, I think, visually and provide something that I think would, you know, could potentially be something that the -- the neighborhood would be proud of as an iconic element at that -- that, that kind of defining point of the -- of Government Street, and I think a lot -- some attention should be given to -- to making that something more of a feature because right now it just kind of sits there plugged into the building and under the roof line.

You know, there's some other details that I have some critiques about, particularly, on the -- the Government Street facade, I think, that could bear some work to give them a little more affect and a little more historical inspiration or -- or echos, if you will, to make them more fitting. It's not

unpleasing as it is as I just -- I just don't know that it's -- you -- I don't want to get into too much of a postmodern interpretation, in my view, because I think that detracts from -- from the overall impact of it on the neighborhood and to the -- to the visual appeal of this end because it's going to be prominently seen from both sides --

BRIAN SPENCER: Uh-huh.

ERICK MEAD: -- either from 9th or from -- or from Bayfront, and it's just -- a lot of attention and detail needs to go into those -- those major stylistic elements that I just don't see in this -- it's a little too plain Jane from that standpoint, and some of the elements, I think, don't fit. The blind dormers being chief among them. They just -- they just don't meet, so.

BRIAN SPENCER: I wish I would have brought the -- we've completed all of the --

ERICK MEAD: It's not final review. I'm just --

BRIAN SPENCER: Yeah.

ERICK MEAD: I just make my comments. Anyway, that's -- those are my thoughts. Ross, did you have anything else?

ROSS PRISTERA: Just looking at the

rendering, I see the -- the power poles, are those going to play any issue in the --

BRIAN SPENCER: No. They'll have to be -- at our cost, though, those will have to go underground. Maybe that will -- the neighborhood might be slightly pleased with seeing those lines removed. Yeah. I had to do that with Baylen Lofts. I had to pay for under grounding all of the lines that ran in front of the entire east facade.

ERICK MEAD: All right. I have no further comments. We have public speakers, if that's -- if you have nothing else.

BRIAN SPENCER: I don't.

ERICK MEAD: All right. I think we determined Mr. Sandefur was not here. Still the case. Ms. Dunlap is not here. Mr. Carrol is also, again, not here. Ms. Webb.

BRIAN SPENCER: Thank you. And if I need to be invited back up, I --

ERICK MEAD: Thank you, sir. Ms. Webb, again, for the record your name and address and please give us your -- your thoughts.

LINDA WEBB: I'm Linda Webb. I reside at 206 South Florida Blanca. I've lived there over 35 years. In summary, I believe this project's not

suitable for the lot. It alters the historic character of the 600 block of Government Street. As was said earlier, this block is not really historic, but it does have a character, and I believe this project will alter that character. Again, we're not talking about setbacks because that's already been taken care of.

As you notice, in this particular view, there are parking places on Government Street, and the garage opens right into where that parking spaces are. Just FYI. It proposes density that's inconsistent with our district standards, so that's another reason I disagree with it.

And I want to remind the board again of the new Bayfront project and a new 5 to 6-foot sidewalk will be on the north side of Bayfront Parkway running right up against the project. So the green space on Bayfront will not be there. It'll be a sidewalk. So thank you.

ERICK MEAD: Thank you, ma'am. Christy Emmanuel. You decline. Mr. Emmanuel, your name and address for the record and please give us your thoughts.

RICK EMMANUEL: I guess I can say good evening now. Rick Emmanuel. I live at 313 South

Florida Blanca Street, and I appreciate you letting me speak again. I believe that 10 units on this small site will lead to overcrowding and increased traffic on a dead end street. It is out of character with our neighborhood. I understand you all are saying that only one parking space is required per these units, but the reality is, there's going to be two cars per unit. There's going to be guests there. There's going to be other people there, and we are going to have crowding.

Now, maybe you're not concerned about the street parking, but the solution is to reduce this project from 10 units to five units or something similar that would be more compatible with what's immediately across the street and what's down the street and throughout the rest of the neighborhood.

I'm concerned about the safety. I'm concerned about the sidewalk being right next to the garage doors, and yes, I do walk that neighborhood, and yes, sometimes I do have to get in the street because I've got to get around cars that are blocking driveways and other things, but we need to keep an eye on what is safety and what is proper and how do we want to make this a better city and not just saying, well, let's just do it because we can do it, so.

Thank you.

ERICK MEAD: Thank you, sir. I have one for Mr. Rod Magie. Is he -- Mr. Magie.

RODERIC MAGIE: I'm Rod Magie, 609 Crown Cove. Mr. Spencer -- Brian -- I consider a friend is dealing with the character of this neighborhood which is Item 11 that deals with conceptual criteria, and I think one of you define that as whether it fits the character of the neighborhood. Because Brian is such an efficient architect and knows all the rules, legally, he's been able to efficiently squeeze 10 families into one, basically, residential lot. That's fine, but it doesn't get to the point that we're all here about primarily which is too much parking, too much parking there. There's going to be many cars in and out all day long and overnight making that street impossible to enjoy as it has been. If this was not a -- if this was taking by a governmental unit and not Mr. Spencer, there'd be considerations of inverse condemnation. I urge you to reject this concept in its entirety and ask him to come back with something that will require less traffic.

ERICK MEAD: Thank you, sir. I have a sheet for Mr. Fluegge. Does -- is he still with us or has he departed? Mr. Fluegge has left. Ms. Lina

Stephens, I think she had left. No? Okay. Ms. -- she declines. Mr. Kevin Stephens, please come up, Mr. Stephens.

KEVIN STEPHENS: Kevin Stephens, 603, 605, 607 Crown Cove, East Government. So just to kind of echo what my other neighbors have said about, you know, the issue with the project, I don't think never was the esthetics with the -- because it's a -- it's not a bad-looking project at all. Brian did a good job at drawing it. It's the density. We've got issues with density. Ten -- you know, again, you know, beating the proverbial dead horse, it's like packing 10 pounds of potatoes in a 5-pound sack and having 10 -- 10 units with only 10 parking spots, again, in the county, we could never build this. We'd have to have two minimal.

A concern, again, like my neighbors with the garages, as some of you members have alluded to with the front-facing garages, we've got children going back and forth on bicycles, this or that. So I'm a little concerned. There may be other parts -- I'm downtown quite a bit. I work downtown, so. I know there's other parts of Downtown Pensacola that have front-facing garages, but just not here. None of them are down here.

So again, I would just ask the board -- I'm typically sitting in your all's position and have the honor and privilege serving many citizens of Escambia County myself, serving on the board. So I certainly weigh, you know, rules and regulations and what you can and can't do with, you know, what's -- what's best for the community and what the -- and what's best for the public. So that's got to be weighed in somehow, someway. So just -- you know, and I'm sure that's not the case, but we come in here. We listen to, you know, the pros and the cons, and it just seems like a lot of decisions were made, you know, prior to coming in here, and I'm certainly not -- you know, I'm certainly not saying that they were, but just a -- it's just a feeling that -- that the lack of -- and again, I'm not -- I'm not making any accusations or anything like that, it -- but it just -- it seems like there's a lack of deference to the individuals who are living there every single day, right across the street, right next door. So it just seems -- you know, again, I -- and that may just be a feeling. I'm sure it's not, you know, what your intent is or what you're implying, and there's nothing that you've said. It's just that the individuals back here on the Crown Cove Subdivision, East Government Street area are

just -- are feeling like, wow, this is -- this is -- this is moving quickly. There's -- there's very little pushback, and it's just kind of rolling through really quick. So just -- it's a shock for us, knowing that we -- we -- undoubtedly, this will create a major impact on parking, traffic, people, as we've already covered, at a dead end street, and it just -- again, just not -- you know, townhomes there, several units, four or five units, something along those lines, more conducive with what we have there. I don't think there will be any pushback. I don't think there will be any type of argument whatsoever. People should do what they want to do with their property. I just think that people that are living there, they're going to be affected by this. They're going to be there every single day, should be taken into consideration, and I know you all are. And I'm -- I don't mean to infer or imply that you're not, but. It just seems that, you know, sitting back here in the audience and listening to this and listening to the -- you know, the back and forth, it's like, are you hearing us? Are you hearing the -- the residents that are living here being impacted by this?

So for us, this is not a business project and I, too, have to take that into consideration when

I'm building buildings and how it's going to affect people and I, too, have had to scale back some -- several projects of mine because individuals didn't want three-story apartment buildings looking in their backyard, and I was zoned for it, I was approved for it, but again, there was -- there's certain things that are more important than -- than money and building more -- more projects.

So anyway, thank you for your time. I just wish you would just please consider the human factor, and I know you all are. And the individuals that are living there mostly impacted by this, and thank you.

ERICK MEAD: Thank you, sir.

ADRIANNE WALKER: Mr. Chair, if I may.

ERICK MEAD: Yes.

ADRIANNE WALKER: I misspoke about something, and I want to correct that.

ERICK MEAD: Yes.

ADRIANNE WALKER: Typically, we do have parking requirements of certain number of spaces per unit, but there is a code provision, 12, 3, 10 East 7, triple I, stating that off street parking is not required in HC-1 or HC-2. So technically, this development doesn't require parking at all for its residents, but it has been incorporated. I just want

to clarify that. I apologize I misspoke.

ERICK MEAD: Thank you.

ADRIANNE WALKER: Uh-huh.

ERICK MEAD: It's an important clarification.

SCOTT FISHER: I have a question on that. That's -- that's not really our purview, though; is it? Parking --

ADRIANNE WALKER: Typically, off street or on street parking would not be. On street being in city right-of-way, but the esthetic of the parking within a parcel in the district would be under your purview, and there is a code section, particularly, for this district about driveway materials, parking materials, you know. So from an esthetic standpoint, yes.

ERICK MEAD: All right. Mr. Preisser, Stephen Preisser. He's departed. He's not here. Likewise, Ms. Preisser. Also not here. Ms. Tanner, did you --

KATHY TANNER: I have something to say.

ERICK MEAD: Okay. Please come up, Ms. Tanner.

KATHY TANNER: So I do have something to say about parking. You are correct. But there is a

special kind of thing going on Zarragossa where Terry Levin has two parking places for her house that she bought with no off street parking. And it's recorded at a pretty high number, and there are signs there.

So it's changing down there whether you all are noticing or not. It's similar to right across from Brother Fox, and they have some of those on, I think; is it Davis Street? They have -- so parking and little signs are becoming very different down there, and it's getting a little cluttered. This really is very similar to Residence Inn wing. I'm a hotel and restaurant graduate. Brian has worked in the same -- has owned partnership in the same hotel. My husband worked with for 35 years, so I do -- when I look at an extended stay, I get it. I don't think of this as affordable housing. I think of this as an Airbnb or a -- extended stay, which we like extended stays. We have Airbnbs downtown. But it's too homogenized, and it's too commercial, and when I first saw it, I wondered if it was even going to have vinyl siding like down the street. But it's not, and we know better. But that was my first thought, is this going to have vinyl siding, and then I went, oh, no, it can't. It's in the Wooden Cottage District. So then I looked at Kevin Stephens' house and his wife's,

and it's very contemporary, and it's beautiful, and Brian designed it, and then I'm looking -- I'm going, well, what's Brian doing here? Brian, I just want to talk to you about it. Because I think he did Ruth Ohr's house, and Ruth Ohr's house is also in the Wooden Cottage District. And they co-merged a contemporary look with the wooden cottage. Broke a little rules maybe, but we all kind of embraced it because we kind of like Ruth very much, and Mr. Harper, and that is right down the street in the Wooden Cottage District on Zarragossa Street, right next to Lois Benson's. So I see this homogenized Residence Inn wing or even something that looks like a Homewood Suites, and I'm going, what in the world is this? And this is Brian Spencer. He is our award winning architect. And I would like to see a better product on this property because we are going to lose our trees on the Bayfront. It doesn't matter that they were Project Green Shored trees for the habitat. The bluff line is superseding that, and the FDOT has already designed a horrendous Bayfront Parkway, and this is all correlating. And, so this particular building is going to have a full waterfront view. Needs to be nicer. Brian, I think you need to do a better job.

ERICK MEAD: Thank you, ma'am. Next is Mr. Scott Sallis.

SCOTT SALLIS: Mr. Chairman, board members, thanks for hearing me again. I want to clarify. I know a lot of people may miss -- misinterpret why I'm here. I'm not here because Brian asked me to be here. I'm here as a -- as a city maker and as a neighbor and as someone who stands before you regularly, and I was here not long ago with a single family residence across the street, and the neighbors united and spoke against it, and they didn't support that project, and now it's -- largely, because my client wouldn't heed my advice about a variance. And, so we were standing before you with a variance that probably didn't prove hardship, and it was denied.

But what I want to remind this board is the mini project -- it is hard to make a great city. I was very, very moved this morning when I read the paper and saw that we were a number one coastal city. That's why I come to work every day to try to make this city better one building at a time, and it is challenging. It -- you try not to -- you've got to recognize that with all the decisions we make, we cannot make everyone happy, and we try to not make anyone mad, and I would like for you to support this

project just as an architect, as a city maker, because I believe in fighting for what people can do on properties, and this design -- I don't know if I agree with all of its aspects. I heard someone say it's not compliant with the Wood Cottage District regulations. If it's not, I'm missing that. I -- to me, I want to encourage you to support this project because it's compliant. It's -- you've passed the variance. That was a key thing.

So with that variance in hand, this project is well within any property owner's rights who owns this odd-shaped, uniquely-located piece of property to be developed, and somebody can develop something far worse than what is proposed. And I am just grateful that's not this story.

And, so I want to encourage you to support this project because from what I understand, and I haven't studied it to death, but it is compliant. And your -- your task is to check esthetics, make sure it's compliant, and hopefully, support the project. And I appreciate you hearing me out. Thanks.

ERICK MEAD: Thank you. That's all of our speakers. Are there any other comments or questions the board has? Before we entertain a motion? I have a couple of comments.

DAVID DEL GALLO: I would just like maybe you to mention to those that spoke, you know, it's not up to the ARB to determine how many units Brian can put in that building. It's -- he's got to meet the rules and regulations, since he's been approved on the previous two items, so. We're just looking at the architectural aspect of that project, so.

ERICK MEAD: Oh. Thank you. My comments to -- to close, and I don't want to belabor it because we are here somewhat late, and I think it -- my inclination is to confine our approval to the massing and overall configurations, the cantilevers, and all that. I would accept probably the roof line because I -- I don't think it's compatible for a number of reasons. I think many of which have been said. I would also accept for a number of reasons the design of the garage doors and their configuration with respect to the public pedestrian walkway and that deconfliction for two reasons. One, just that element of the design because you've already given yourself some room, perhaps, even for some partial outswing or bifold that could help alleviate pedestrian notice that the garage is open, and they need to be aware of that for purposes of vehicle access which would be a signal to the pedestrian. That's one suggestion I

have. For some design choices, there's a number of things you might consider.

The other consideration is we have been very -- we have been very concerned about front-facing garage doors that look like garage doors on Government Street and other properties, and I remember some discussions we've had on other parcels about that, and in fairness, we need to be very attentive to the configuration of those garage doors, and if they don't look like garage doors, I think so much the better. If they look like structural elements of -- of it that are not screaming garage door, I think that we are being more consistent with what we've done in other properties to try to keep that historical effect, which you're clearly going for in many respects.

So that's -- those are my comments and -- and I would hope to entertain a motion that would go along those lines, but I will entertain whatever you choose to make.

DAVID DEL GALLO: With the previous two items being approved, I move that we approve the project as submitted.

ERICK MEAD: I would ask that we limit the approval to the siting, the massing, and the setbacks that we have, the masonry -- the masonry podium with

under -- under parking, which I think fits, accepting the roof line, the balconies, generally, I think are appropriate. Although, the design details will matter. And then attention to the front facade to make it a little more compatible with the surrounding areas. Those are my -- the qualifications I would want to make, if that's acceptable.

DAVID DEL GALLO: Yeah. I don't have an issue with those.

ERICK MEAD: Okay. With that understanding, with those changes, is there a second to that?

LOU COURTNEY: I'll second that.

ERICK MEAD: We have a motion and a second. Is there any other discussion or questions? Hearing none, all in favor of the motion, say aye.

(All said aye.)

ERICK MEAD: All oppose say nay. Passes unanimously. And I think I get to tender the hammer.

ADRIANNE WALKER: Yes.

(Requested audio ended.)

CERTIFICATE OF REPORTER

I, Melissa J. Eicken, Registered Professional Reporter, do hereby certify that I was asked to prepare a transcript of proceedings had in the above-mentioned case, which proceedings were held with no court reporter present utilizing an open microphone system of preserving the record.

I further certify that the foregoing pages constitute a true and accurate reproduction of the proceedings as transcribed by me to the best of my ability and may include inaudible sections or misidentified speakers of said open microphone recording.

Melissa Eicken

Melissa J. Eicken, RPR

Date:_____

EXHIBIT B

City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 25-1051 | Architectural Review Board | 8/21/2025

LEGISLATIVE ACTION ITEM

SUBJECT:

627 E. Government Street
Pensacola Historic District / Zone HC-1 / City Council District 6
Variance

SUMMARY:

Brian Spencer is seeking approval to reduce the rear yard setback on Bayfront Parkway from 20' to 9' from the property line to allow a building height of 34' and to reduce the front yard setback on Government Street from 15' to 0' at the street edge. The next agenda item is demolition of the non-contributing structure, followed by conceptual review of the proposed new development.

Recommended Code Sections:
12-11-2(a)(2) Variances.
12-12-3(5)(b) Architectural Review Board, Duties.
12-3-10(1)e.1.i. Pensacola Historic District, Regulations and guidelines for any development within the historic zoning districts, Building height limit.
12-3-10(1)h.1. PHD, New construction in the historic district, Table 12-3.1 wood cottages district.

ATTACHMENTS:

1. Images
2. Variance_Application and Materials

627 E. Government Street





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) _____ **Zoning** _____

(To be Completed by Applicant)

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

Property Address: 627 E. Government St.

Current use of property: Office Building

1. Describe the requested variance(s): A variance is being requested to reduce the rear yard setback from 20' to 9' at elevated Level 2, elevated Level 3 balconies and 15' from the property line at the ground ~~level to allow a building height of 34'. A variance is being requested to reduce the front yard setback~~ from 15' from street edge to 7' at ground level and 0' at elevated Level 2, elevated Level 3

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:
The unusual trapezoid configuration of the site, combined with the Bayfront Parkway setback and Wood

Cottage setback restricts a "new" buildable footprint to 3,485 sf. Approx. 1/2 of the existing 3,350sf building footprint is WITHIN the boundaries of the prescribed buildable footprint.

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:

Adjacent and nearby property owners are rightfully "enjoying" similar variance conditions due to pre-existing non-conforming building locations.

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

The requested variances do not encroach on vehicular nor non-vehicular circulation nor request a superior position or vantage point respective to vistas and proximity to Pensacola Bay.

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

The existing building (requested to be demolished) is placed on the property with pre-existing, non-conforming conditions (setbacks) similar to what is being requested by the applicant as well as the site configuration and location at the edge of a major 'non-historic' scale highway and location at a dead end

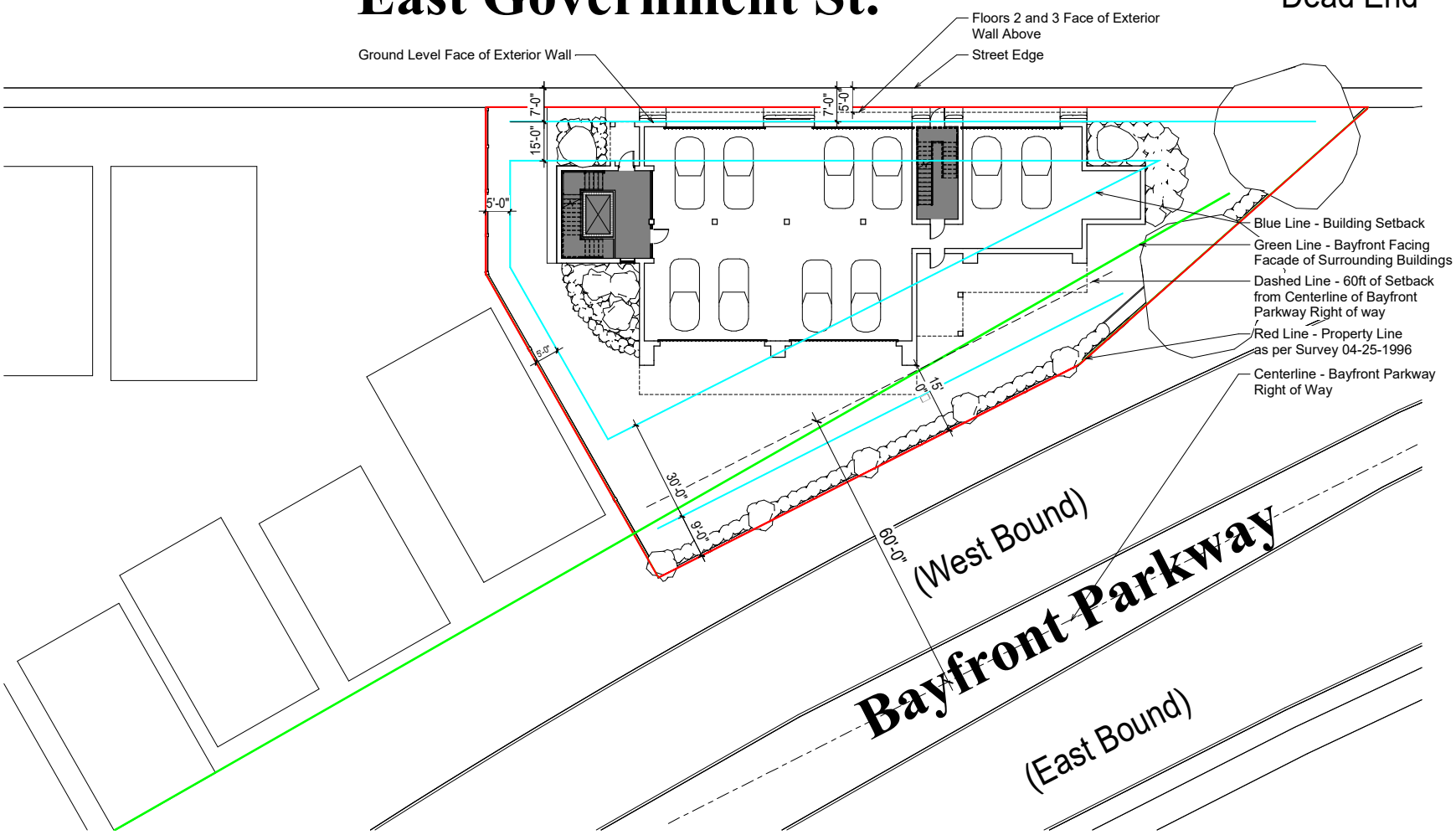
Application Date: 7/31/25

Applicant:	SMP Architecture		
Applicant's Address:	205 E. Intendencia		
Email:	Brian@smp-arch.com	Phone:	850-712-2612
Applicant's Signature:			
Property Owner:	Quarter Portions LLC		
Property Owner's Address:	627 E. Government St.		
Email:	Brian@smp-arch.com	Phone:	850-712-2612
Property Owner's Signature:	Under Contract by Brian Spencer		

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.

VARIANCE GRANTED BY THE BOARD OF ADJUSTMENT: The petitioner must secure a building permit and commence work within one hundred-eighty (180) days of the date of the granting of the variance, unless additional time is granted by the Board at that particular meeting.

JUDICIAL REVIEW OF DECISION OF THE BOARD OF ADJUSTMENT: If denied a variance by the Board, that request for a variance cannot be heard again for one year. The petitioner has thirty (30) days form the date of the meeting to appeal the decision according to Section 12-12-2 of the Land Development Code. Any person or persons, jointly or severally aggrieved by a decision of the Board may apply to the Circuit Court of the First Judicial Court of Florida. The Board, Building Inspector, or Attorney of the City of Pensacola must be notified of an appeal within five (5) days of the application being made to the Circuit Court. 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 Inspector that they have ten (10) days to remove or correct the violation.



1 C- Site Plan

A201 | A104

3/32" = 1'-0"

8' 4' 0' 8' 16'

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Seal

Consultant

No.	REVISION	DATE

Owner

TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

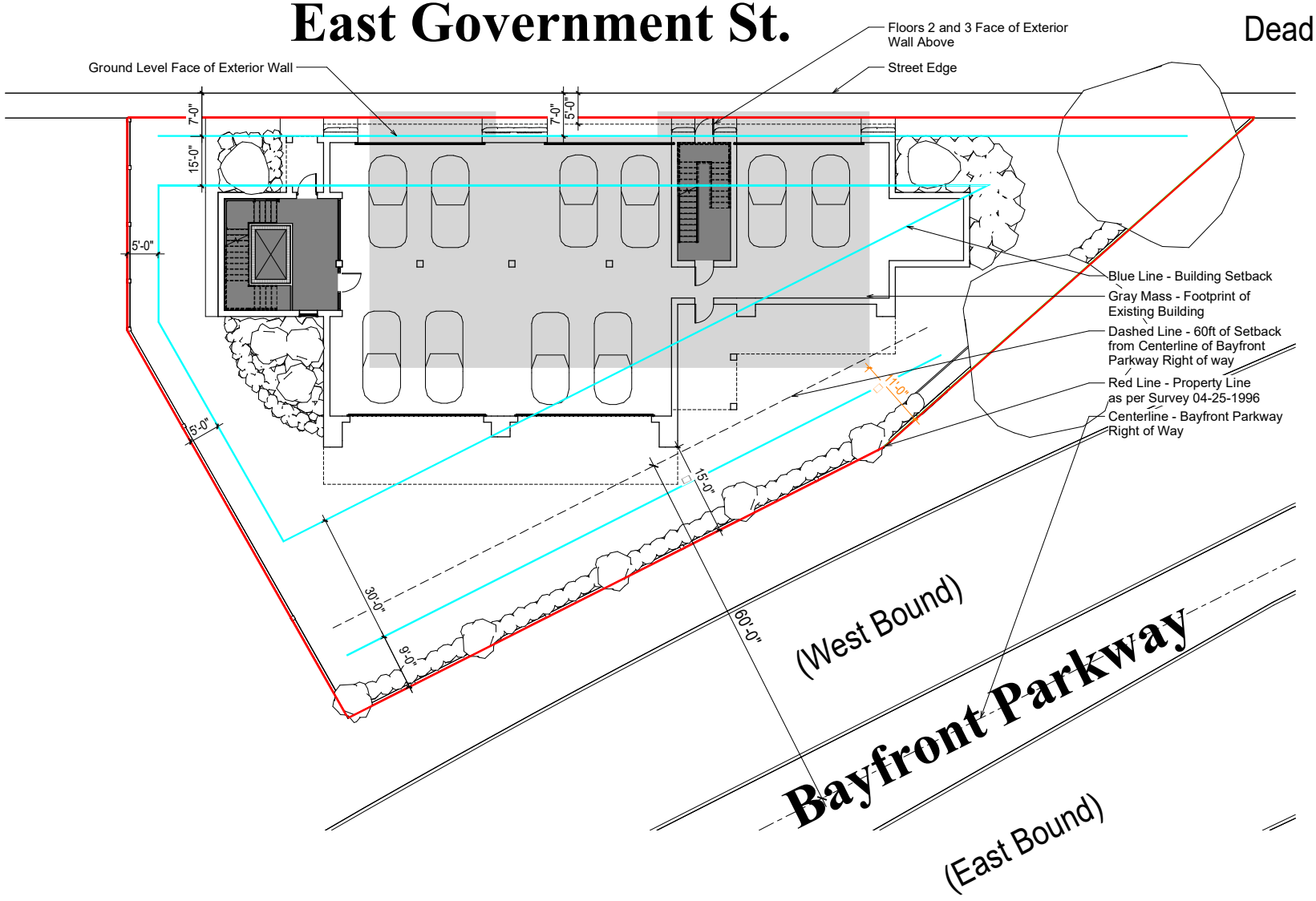
Project No. 0000

Date

Drawing Title: SITE PLAN

Drawing No. A104

DESIGN DEVELOPMENT - 07-17-2025



1 C- Set Back

A201 | A103

1/8" = 1'-0"

8' 4' 0' 8' 16'

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Owner

TRISTAN POINTE

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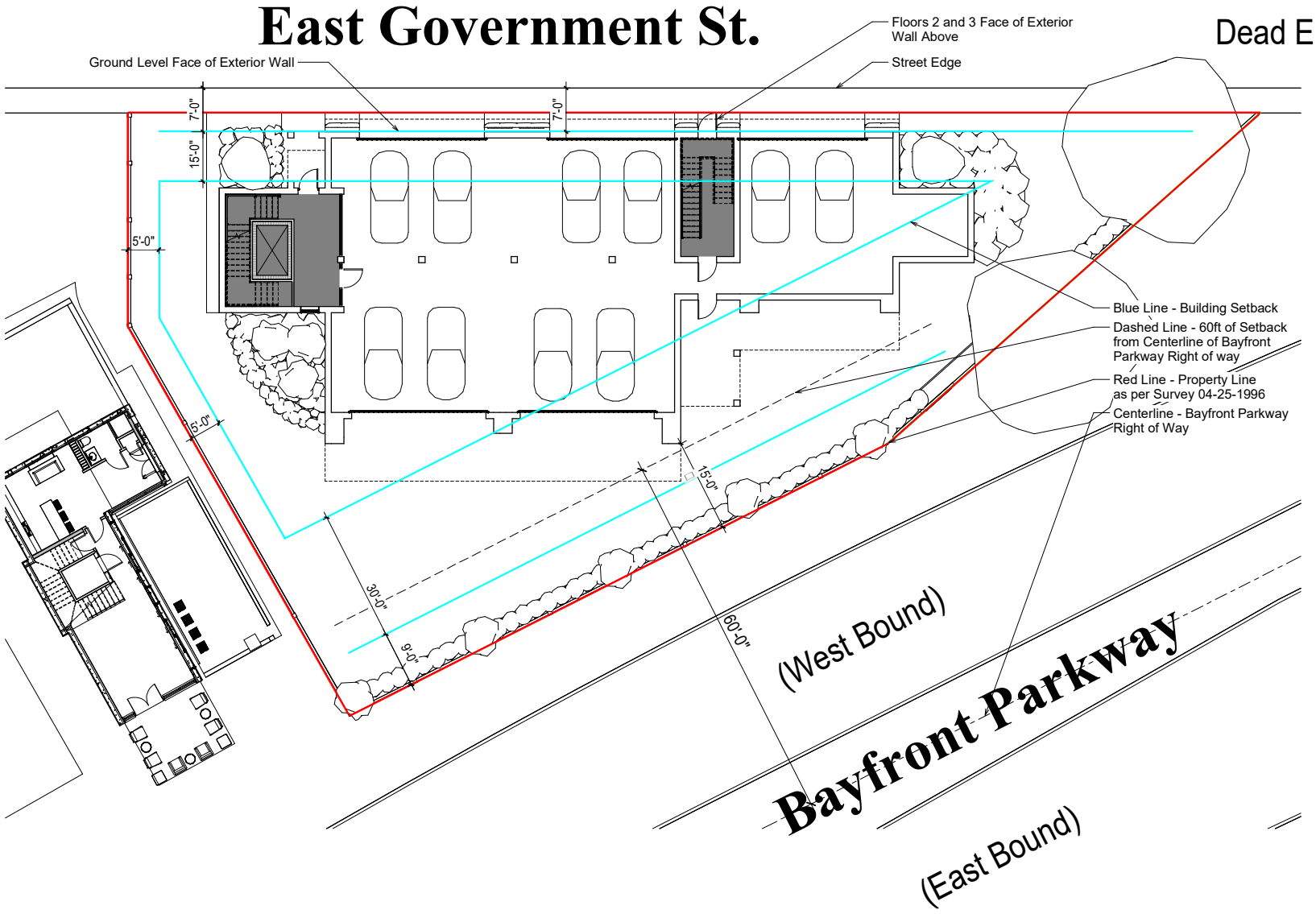
Project No. 0000

Date

Drawing Title: SET BACK

Drawing No. A103

DESIGN DEVELOPMENT - 07-17-2025



1 C- Ground Floor Plan

A201 | A101

1/8" = 1'-0"

8' 4' 0' 8' 16'

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Project No. 0000

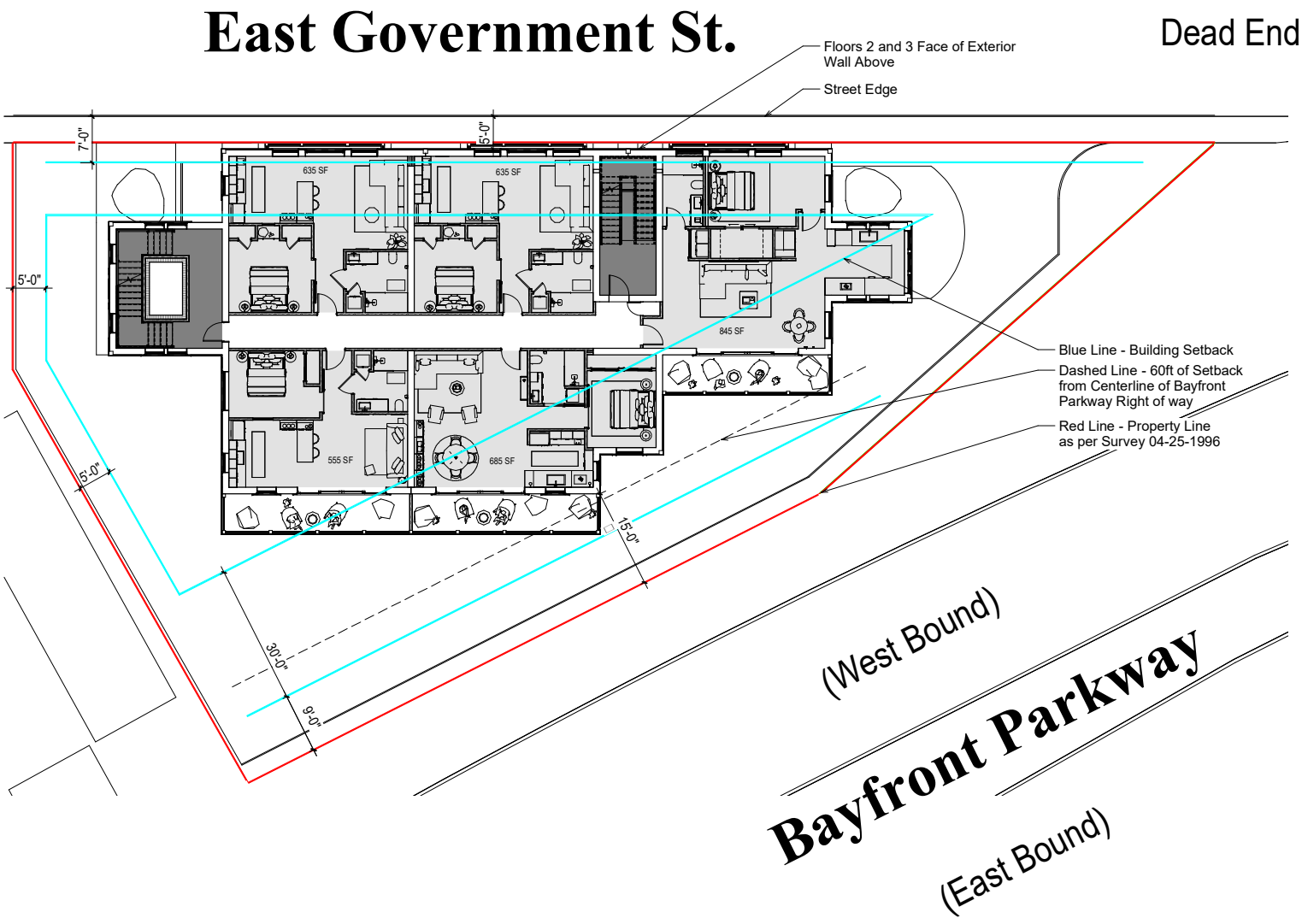
Date

Drawing Title: GROUND FLOOR PLAN

Drawing No. A101

DESIGN DEVELOPMENT - 07-17-2025

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1 C-Floor Plan

A201 | A102

1/8" = 1'-0"

8' 4' 0' 8' 16'

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TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

Project No. 0000

Date

Drawing Title: 1ST FLOOR PLAN

Drawing No. A102

DESIGN DEVELOPMENT - 07-17-2025

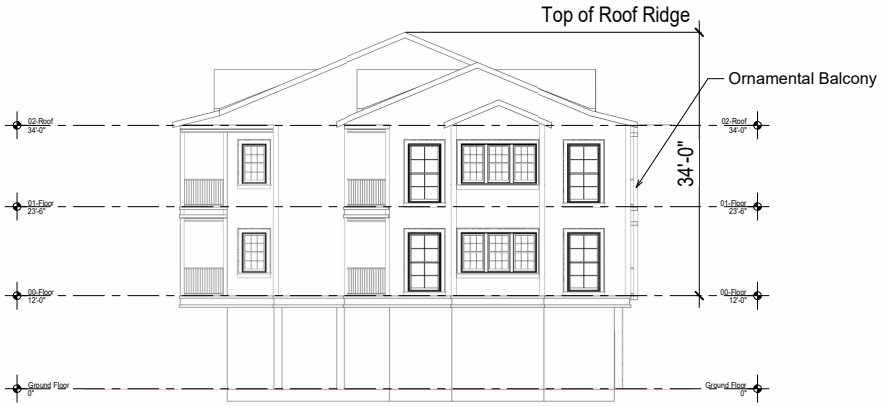
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1 EXTERIOR NEW WORK ELEVATION - NORTH -EAST GOVERNMENT ST

A101 A201 1/8" = 1'-0"

8' 4' 0' 8' 16'



2 EXTERIOR NEW WORK ELEVATION - EAST

A201 1/8" = 1'-0"

8' 4' 0' 8' 16'

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Drawing Title
EXTERIOR ELEVATIONS

Drawing No.
A201

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1 EXTERIOR NEW WORK ELEVATION - SOUTH - BAYFRONT PARKWAY

A102 | A202 1/8" = 1'-0"

8' 4' 0' 8' 16'



2 EXTERIOR NEW WORK ELEVATION - WEST

A102 | A202 1/8" = 1'-0"

8' 4' 0' 8' 16'

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TRISTAN POINTE

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Project No. 0000

Date

Drawing Title: EXTERIOR ELEVATIONS

Drawing No. A202

DESIGN DEVELOPMENT - 07-17-2025

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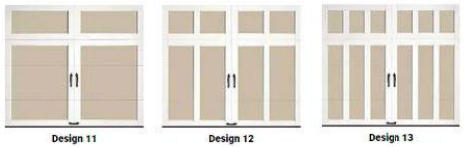






Door Designs

Series 1

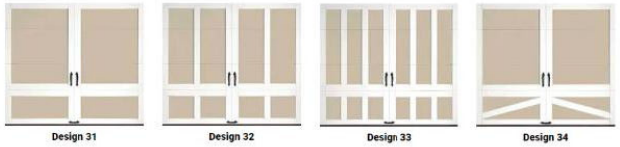


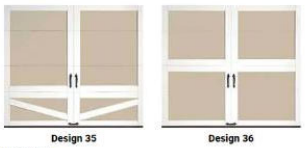
Click here to view Clopay Gallery Collection garage door looks

Series 2



Series 3





Series 4

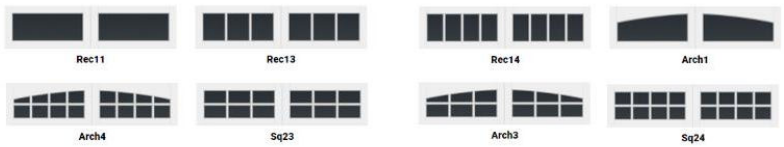


Top Sections

Windows



Solid Top Sections



Colors








PLEASE DO
NOT FEED
THE WILDLIFE
LOWE'S
IGLOO
ATM




WALBORSKY
PERSONAL

City of Pensacola

ARCHITECTURAL REVIEW BOARD

MINUTES

City of Pensacola
222 W. Main Street
Pensacola, FL
32502

August 21, 2025 2:00 PM Hagler-Mason Conference Room, 2nd Floor

CALL TO ORDER / QUORUM

Members Present: William Brantley, George R Mead II, Scott Fisher, Yuri Ramos, Lou Courtney, David Del Gallo,

Members Absent:

Also Present: Historic Preservation Planner Walker, Assistant Planning & Zoning Division Manager Harding, Deputy City Attorney Kia Goldsmith, Ross Pristera, Kelly Greene, Chris Carrol, Nathan Ackerman, Chris Mills, Kathy Tanner, Henry Norris, Cheryl Howard, Scott Sallis, Susan Senkarik, Christy Emmanuel, Rick Emmanuel, Leslie Youd, Steve Fluegge, Devan Dunlap, Richard Bankich, Beverly Edge, Brandon Sandefur, Wade Wilson, Joseph Youd, Steve and Tracey Preisser, Kevin Stephens, Rod Magie, Susie Johnson, Lina Stephens, Christy Cabassa, Toni and Charlie Spatch, Jay Baynes, Linda Webb

APPROVAL OF MINUTES

1. 25-1049 APPROVAL OF THE JULY 17, 2025, ARB MINUTES.

   Board Member Del Gallo made a motion to approve the July 17, 2025, ARB minutes. Board Member Mead seconded the motion, and it passed 6-0 with one vacant board position.

OPEN FORUM

NEW BUSINESS

2. 25-1038 313 W. INTENDENCIA STREET

GOVERNMENTAL CENTER DISTRICT / ZONE C-2 / CITY COUNCIL DISTRICT 7
NEW ACCESSORY STRUCTURE

Jay Baynes is seeking final approval to install a 14 x 24' prefabricated shed with a metal roof, composite siding in the color Navajo Green with two 3 x 3' windows, 6-lite outswing door, and a 9' roll-up garage door.

Jay Baynes presented to the board. Board Member Del Gallo asked staff about material requirements. Historic Preservation Planner Walker answered that the Governmental Center District is focused on compatibility with the district.

Board Member Del Gallo made a motion to approve. Board Member Fisher seconded the motion, and it passed 6-0 with one vacant board position.

3. 25-1040 1011 N. REUS STREET
NORTH HILL PRESERVATION DISTRICT / ZONE PR-1AAA / CITY COUNCIL DISTRICT 6
DEMOLITION OF NON-CONTRIBUTING ACCESSORY STRUCTURE

This item was removed from the agenda by the applicant.

4. 25-1041 600 BLK N. 6TH AVENUE
OLD EAST HILL PRESERVATION DISTRICT / ZONE OEHC-1 / CITY COUNCIL DISTRICT 6
NEW RESIDENTIAL CONSTRUCTION

Tim Daniel is seeking final review for new residential construction on a vacant parcel that has been subdivided into two lots. The board provided final approval for new construction on the neighboring lot at the June 2025 ARB meeting. The proposed structure has a finished floor elevation of 18" above grade and is two stories with an attic space with a facade composed of brick veneer skirting with Hardie lap siding with a dimensional shingle roof and detached accessory garage to match the primary.

Steven Sebold presented to the board. Board Members Courtney and Ramos complimented the design. Board Member Ramos asked if Old East Hill Preservation District provided comments, Historic Preservation Planner Walker answered no.

Board Member Ramos made a motion to approve as submitted. Board Member Mead seconded the motion, and it passed 6-0 with one vacant board position.

5. 25-1042 710 N. 7TH AVENUE
OLD EAST HILL PRESERVATION DISTRICT / ZONE OEHC-1 / CITY COUNCIL DISTRICT 6
NEW RESIDENTIAL CONSTRUCTION

Richard Bankich Jr. is seeking final approval of the replacement plans for a contributing structure that was approved for demolition at the June 2025. The replacement plans received conceptual approval at the same meeting. The proposed structure is composed of brick skirting, smooth Hardie lap siding, Pella Reserve aluminum-clad wood windows with six-over-six simulated divided lites, Jeld-Wen wood doors, and a shingle roof.

Richard Bankich presented to the board and noted the board's feedback was incorporated into the final design. The board complimented the application and a usable front porch.

Board Member Courtney made a motion to approve as submitted. Board Member Del Gallo seconded the motion, and it passed 6-0 with one vacant board position.

6. 25-1044 819 E. JACKSON STREET
OLD EAST HILL PRESERVATION DISTRICT / ZONE OEHC-1 / CITY COUNCIL DISTRICT 6
REAR ADDITION AT A CONTRIBUTING STRUCTURE

SMP Architecture is seeking final approval for a two-story rear addition to a contributing structure consisting of a first floor carport and office above. The addition will have horizontal lap siding to match the existing siding, wood columns and brackets, aluminum-clad wood windows to match what was approved at the March 2025 meeting, and a shingle roof to match the existing.

William Brantley, recused from the board, presented the item. Board Member Courtney complimented the design and Board Member Mead noted his appreciation for the upper story of the carport that fits the character of the structure.

Board Member Fisher made a motion to approve. Board Member Del Gallo seconded the motion, and it passed 5-0 with one board member recused and one vacant board position.

7. 25-1045 N. JEFFERSON STREET
PALAFOX HISTORIC BUSINESS DISTRICT / ZONE C-2A / CITY COUNCIL DISTRICT 6
FINAL REVIEW OF NEW COMMERCIAL DEVELOPMENT

Travis Altsman is seeking final approval for a five-story mixed-use building with retail on the first floor facing Jefferson Street with 25 condo units on floors two through five. The building is composed of ground-faced CMU block, flush metal panels, and brick with aluminum storefronts in dark bronze. This project received conceptual approval at the June 2025 ARB meeting.

Travis Altsman presented to the board. Board Member Mead complimented the balcony changes that the board discussed at the previous meeting. Board Member

Ramos noted the solutions were positive and improved the design. Board Member Mead appreciated the massing of the neighboring structure to demonstrate scale.

Board Member Del Gallo made a motion to approve as submitted. Board Member Mead seconded the motion, and it passed 6-0 with one vacant board position.

8. 25-1046 110 E. GARDEN STREET
PALAFOX HISTORIC BUSINESS DISTRICT / ZONE C-2A / CITY COUNCIL DISTRICT 6
EXTERIOR IMPROVEMENTS TO A CONTRIBUTING STRUCTURE

Henry Norris is seeking final approval for exterior alterations to a contributing structure, including a new recessed entry on Garden Street, exterior paint, shutters, slate tile treatment, refurbished metal awnings and storefronts, exterior paint, and parking lot striping and landscaping.

Henry Norris presented to the board. Chair Brantley complimented the tower element and asked if the material selections were branded for the tenant. Beverly Edge, the applicant's client, shared that the design is based on a mixture of previous renovations at different locations. Board Member Mead and staff noted the awnings on Tarragona Street may require coordination with CSX.

Board Member Del Gallo made a motion to approve as submitted. Board Member Ramos asked if the refurbished awnings on Garden Street would project further than existing and Mr. Norris answered no. Board Member Fisher seconded the motion, and it passed 6-0 with one vacant board position.

9. 25-1051 627 E. GOVERNMENT STREET
PENSACOLA HISTORIC DISTRICT / ZONE HC-1 / CITY COUNCIL DISTRICT 6
VARIANCE

Brian Spencer is seeking approval to reduce the rear yard setback on Bayfront Parkway from 20' to 9' from the property line to allow a building height of 34' and to reduce the front yard setback on Government Street from 15' to 0' at the street edge. The next agenda item is demolition of the non-contributing structure, followed by conceptual review of the proposed new development.

Chair Brantley recused himself from the item and Vice Chair Mead noted that speakers would have three minutes each. Vice Chair Mead asked for clarification on allowed uses for the zoning in relation to the applicant to demonstrate a hardship. Historic Preservation Planner Walker noted HC-1 commercial zoning allows multifamily as well as single-family and duplexes along with a variety of commercial uses. Brian Spencer noted his preference to review the demolition request as the first item, staff noted a variance request is typically first in the review order, and Vice Chair Mead chose to maintain the order of the agenda with the variance first. Mr. Spencer noted he had letters of support from individuals who

were unable to attend that he would share with the board. Vice Chair Mead noted that variance requests are quasi-judicial, and comments are limited to those factors that speakers can provide evidence on as it relates to the application. The same caution is given to the applicant and providing evidence on behalf of individuals who could not attend.

Mr. Spencer presented to the board. Mr. Spencer noted the irregular shape of the lot in question and the existing non-conforming structure that does not currently meet the land development code. Mr. Spencer noted the request to decrease the front and rear yard setbacks but the sides, to the east and west, do not require a reduction. Mr. Spencer noted the Crown Cove site-specific development (SSD), adjacent to the west, has different setbacks and that the rear yard setback reduction is not much different from the existing structure's siting. Mr. Spencer noted the proposed first floor level is 4' from the edge of the sidewalk and 8' from the street edge and also noted the required 5' landscape buffer was accounted for on the west side. Mr. Spencer pointed to a previous project, Baylen Lofts, as an example of front-facing garage doors that are close to the right of way. Vice Chair Mead asked staff for clarification about the surrounding zoning and staff noted that the property in question is adjacent to SSD zoning and separated by Government Street from other HC-1 zoning. Board Member Ramos asked Mr. Spencer to elaborate on each of the variance criteria. Mr. Spencer noted that criteria one is satisfied because of the peculiar shape of the land and the lot does not have contiguous zoning with the rest of HC-1. Criteria two is satisfied because it is not a result of the applicant's actions. Criteria three is satisfied because the existing building is non-conforming and the proposed project does not provide the applicant with additional privileges. Criteria four is satisfied because the intent of the wood cottage district is being maintained. Criteria five is satisfied because the variance request is the minimum amount to provide reasonable use of the land. Criteria six is satisfied because the proposal does not impede on public access or view corridors and the proposed project is visually pleasing and harmonious to the Seville historic district. Criteria seven is satisfied because air and light will not be reduced, particularly in comparison with newer houses in Crown Cove adjacent to the west, and because it will not create congested streets. The project provides parking on the site and the on-site spaces will be shifted and maintained. The proposal will not cause a fire hazard or diminish property values.

Mr. Spencer shared letters of support from a variety of individuals from the neighborhood who were unable to attend but supported the project based on the variance criteria. The letters were read into the record on behalf of Deedee Davis, a loca real estate professional; Rafael Simpson, neighborhood resident; Kim Simpson, neighborhood resident; Robert and Lauren Boothe, neighborhood residents; Blake Rushing, neighborhood resident; Teri Levin, neighborhood resident; and Jordan Yee, local architect. Vice Chair Mead asked if any other letters of support spoke to evidentiary support for the specific variance criteria. Mr. Spencer shared that all the letters specifically state approval of the variance request and each person took time to write the letters. Vice Chair Mead suggested

the letters be entered into the record by staff rather than Mr. Spencer read each letter. Vice Chair Mead asked staff to distribute copies of the variance criteria to the audience so that speakers would be prepared to address evidence as it relates to the specific variance criteria. Board Member Ramos asked if a variance is project or applicant specific. Staff answered that granted variances are project-specific. Board Member Ramos asked if the existing building were to be demolished, would the existing setbacks remain? Historic Preservation Planner Walker answered no. If the existing non-conforming structure were to be demolished, new construction must comply with the current code or a variance would be required to reduce the setbacks. Vice Chair Mead asked the applicant how much footprint would be lost if a variance was not sought to reduce the setbacks. Mr. Spencer answered that a substantial amount of square footage would be lost.

Brandon Sandefur addressed the board on criteria six and noted the neighboring properties would be compromised and would suffer a hardship by the development. Devan Dunlap addressed the board on behalf of Deborah Dunlap who could not attend. Ms. Dunlap identified criteria one, three, and six, stating the variance would diminish property values and impact the historical integrity of the neighborhood. Chris Carroll addressed the board and spoke about parking. Linda Webb, President of the Seville Square Historic District Neighborhood Association, addressed the board and represented roughly 50 members of the neighborhood. Christy Emmanuel addressed the board and noted that the variance request does not satisfy criteria number five and outlined opposition to the request. Rick Emmanuel addressed the board on criteria five, six, and seven and item (b) and spoke about the increase in parking and vehicular traffic. Rod McGee addressed the board and spoke about criteria six and that the proposed variance would be injurious because of the increase in parking. Steven Fluegge addressed the board and noted that variances should not be granted. Lina Stephens addressed the board and noted her home is under construction directly next door to the west. Kevin Stephens addressed the board and stated opposition based on criteria six and seven. Steven Preisser addressed the board and stated opposition based on criteria three, five, and six. Mr. Preisser offered a signed petition. Kia Goldsmith, Deputy City Attorney, noted that a petition is not substantial evidence, which should be limited to statements that can be read into the record. Tracy Preisser addressed the board and stated opposition based on criteria five and six. Kathy Tanner addressed the board and stated her opposition based on criteria number three. Scott Sallis addressed the board and shared support for the proposed variance based on criteria one through three.

Brian Spencer responded to the points raised during public comment. Vice Chair Mead closed the evidence period and the board took to deliberation. Board Member Ramos clarified that the board is tasked with reviewing requests as they relate to the code. Board Member Ramos asked if the variance approval would include any elements of architectural design and outlined reasoning for why the variance request satisfies the criteria. Historic Preservation Planner Walker answered that approval of the variance does not provide automatic approval for the

conceptual design. Board Member Ramos noted support of the rear reduction on Bayfront Parkway but not necessarily the request for reduction on Government Street. Vice Chair Mead noted the irregular shape of the lot forces the setbacks to converge in a triangular shape. Board Member Courtney asked if certain aspects of the request could be approved. Deputy City Attorney Goldsmith answered that the applicant would have to withdraw items from the variance request to have partial approval. Board Member Del Gallo asked about the allowable height for a commercial property. Historic Preservation Planner Walker answered the maximum height is 2.5 stories and 35' and the building height is measured from finished floor to roof peak, not including the parking below, which is not occupiable and not included in the building height.

Board Member Mead noted the proposed development does not expand the existing non-conformity and that the variance criteria have been met because those special conditions that are there are not the fault of the applicant. They do contribute to the character of the neighborhood and to remove them in order to force a setback artificially in this setting, on a non-standard lot unlike any of the other lots surrounding it, and certainly not like the ones that are directly abutting it, would be an exercise of form over substance. In that respect, Board Member Mead stated that this is an appropriate variance because the interpretation of the site and the building, given its history and its place in the historic district, is appropriate. The frontage being pushed back will reduce the existing non-conformity and will benefit pedestrians. Board Member Mead noted that under these circumstances he tends to find that all the criteria have been met by the evidence submitted, and no substantial evidence has been provided that conclusively rebuts that evidence and Board Member Mead is likely to grant the variance request. Board Member Mead shared that the character of the district should be respected and the idiosyncratic things that are consistent with the character should be maintained.

Board Member Mead closed the deliberations. Board Member Courtney asked for clarification on approving the entire request or partial approval and Board Member Mead noted it must be the variance as submitted. Board Member Mead made a motion to approve. Board Member Ramos seconded the motion, and it passed 4-1 with one board position vacant, one board member recused, and one dissent vote from Board Member Del Gallo.

10. 25-1052 627 E. GOVERNMENT STREET
PENSACOLA HISTORIC DISTRICT / ZONE HC-1 / CITY COUNCIL DISTRICT 6
DEMOLITION OF A NON-CONTRIBUTING STRUCTURE

Brian Spencer is seeking approval to demolish a non-contributing structure to allow for the development of a multifamily residential structure. The 6,966 sf. structure was built in 1981 and does not require replacement plans to be provided, but the next agenda item is conceptual review of the proposed multifamily residential

development.

Brian Spencer presented to the board. Mr. Spencer asked Advisor Pristera to share any historical information on the non-contributing structure. Advisor Pristera noted the 1981 construction date and the architectural style fits that genre. Demolition of the structure would not be detrimental to the district and the entire block is composed of non-historic buildings and modern infill. Mr. Spencer noted the building was originally a one-story structure with an added second floor that could not withstand further expansion.

Steven Fluegge addressed the board and shared that the existing building was built prior to 1981, which was the time of a remodeling project, and the building had been standing since at least 1968. Advisor Pristera noted the structure, though now 50 years older, would still be considered non-contributing because of the modifications made in 1981. Kathy Tanner addressed the board and suggested that the structure proposed for demolition at 500 Bayou Boulevard, Item 12 on the agenda, should be moved to the location of 627 E. Government Street. Scott Sallis addressed the board and shared support for the proposed demolition in light of the approved variance request. Robby Youd addressed the board and asked if an asbestos survey had been completed. Historic Preservation Walker Planner noted that an asbestos report would be a matter for Building Inspections during permitting. Board Member Del Gallo shared that asbestos reports are often required for permitting. Mr. Spencer answered that to his knowledge an asbestos report had not been completed. Mr. Youd asked about a tree survey and staff noted that the applicant must coordinate with the city arborist during permitting.

Board Member Del Gallo made a motion to approve. Board Member Fisher seconded the motion, and it passed 4-0 with one board position vacant and one board member recused.

11. 25-1053 627 E. GOVERNMENT STREET
PENSACOLA HISTORIC DISTRICT / ZONE HC-1 / CITY COUNCIL DISTRICT 6
NEW MULTIFAMILY RESIDENTIAL CONSTRUCTION

Brian Spencer is seeking conceptual approval for a new multifamily residential structure composed of first floor parking beneath second and third floor residential space, composed of 10 units.

Brian Spencer presented to the board and shared that future modifications have already been drafted, including the roof form. Board Member Mead asked staff for the review criteria for conceptual. Historic Preservation Planner Walker answered that the board should review the proposal based on massing and scale and if the proposed conceptual development fits the character of the district. Board Member Ramos asked about the garage security screening in the renderings compared to

the traditional garage door product that was included in the application. Board Member Ramos noted that in this district the board has discouraged front-facing garages and wondered if the applicant had thought of other options aside from garage doors. Mr. Spencer answered that options were explored, including open-air garages, and in speaking with local residents, a higher-end carriage house door with a wood finish was the preferred option. Mr. Spencer noted the preference for the vertical window panes versus horizontal and the color choice had not been finalized. Board Member Ramos asked staff about the parking requirement for residential use. Historic Preservation Planner Walker noted the requirement of one space per unit, which was later amended to note the code section 12-3-10(1)e.7.iii., which states that off-street parking is not required in the HC-1 and HC-2 zoning districts. Board Member Fisher asked if additional curb cuts were planned and Mr. Spencer answered that he is coordinating with Brad Hinote, City Engineer, to meet engineering requirements for curb cuts.

Board Member Mead echoed that the final submission must suitably fit the proposed garage door concept and appreciated the masonry base and cantilevered elements in terms of historical inspiration. Board Member Mead noted the gabled dormers do not fit the character and Mr. Spencer clarified that a new roof form is ready for future review. Board Member Mead felt the tower element at the end is a defining feature that could be iconic and needs more attention to be a defining element. Board Member Mead noted the Government Street facade could use a more fitting treatment since it is a prominent facade from 9th Avenue and Bayfront Parkway. Advisor Pristera asked about the power poles and Mr. Spencer noted they must be placed underground.

Linda Webb addressed the board and shared that the project is not suitable for the lot and alters the character of Government Street. Ms. Webb noted the density is inconsistent with the neighborhood's standards and that the new Bayfront project will add a sidewalk to the north where the green space is proposed. Rick Emmanuel addressed the board and shared that ten units on the lot would lead to overcrowding and increased vehicular traffic. Mr. Emmanuel asked that the density be reduced from ten to five units and asked for safety to be considered. Rod McGee addressed the board and noted that the proposed development does not fit the character of the district and would cause increased traffic. Kevin Stephens addressed the board and noted the aesthetic design is fine, but there are concerns about density and the front-facing garages. Mr. Stephens felt that the board did not consider the residents' feelings and that the project was progressing very fast. Mr. Stephens questioned if the board was considering the impacts on the surrounding residents and the human factor. Kathy Tanner addressed the board and noted that residents in the surrounding area have placed signs to designate on-street parking and noted the design is too commercial. Scott Sallis addressed the board and shared that he supports the proposed development as a neighbor. Mr. Sallis noted that something less desirable could be proposed, and the current proposal is code-compliant. Board Member Del Gallo clarified that the board does not dictate density but only the architectural aspect and if something meets code. Board Member

Mead noted his inclination to confine approval to massing and overall configurations, such as the cantilevers, and noted the need for a refined garage door configuration to not actually look like a garage door.

Board Member Del Gallo made a motion to approve the project as submitted. Board Member Mead asked to limit the approval to siting, massing, setbacks, masonry podium with parking below, the roof line, the balconies being appropriate with added design details, and attention to the front facade to make it more compatible with the surroundings. Board Member Del Gallo accepted Board Member Mead's suggestions. Board Member Courtney seconded the motion, and it passed 4-0 with one board position vacant and one board member recused.

12. 25-1047 500 BAYOU BOULEVARD
EAST PENSACOLA HEIGHTS / ZONE R-1AA / CITY COUNCIL DISTRICT 4
HISTORIC STRUCTURE DEMOLITION APPLICATION

Per the City of Pensacola's Historic Building Demolition Review Ordinance, the referenced structure has been found to be potentially significant because the building embodies the distinctive characteristics of a type, period or method of construction. Per the ordinance, the Board is tasked with determining whether or not this structure meets the criteria for listing in the National Register of Historic Places. If eligible and deemed historically significant by those criteria, the Board must also determine if the building is subject to a demolition delay of no more than 60 days. To determine that a historically significant building is subject to a demolition delay, the Board must find that in the interest of the public it is preferable that the building be preserved or rehabilitated rather than demolished.

Wade Wilson and Maverick McCoy presented to the board. Mr. McCoy noted that the structure has been vacant for perhaps 10 years. Chair Brantley noted that a replacement plan is not required, which makes it difficult for the board to make a decision. Without knowing what will replace the structure, it is hard to review a proposed demolition. Board Member Del Gallo noted that the 60-day delay is only effective if someone steps up to save the structure. Board Member Mead noted the structure meets the criteria to be listed in the National Register and meets the code requirements for a delay. There have been success stories of a delay being imposed, and perhaps the structure could be moved. Board Member Mead supported a 60-day delay, echoed by Chair Brantley who noted an idea of replacement would be helpful in making these types of decisions. Board Member Ramos asked Advisor Pristera to share the history. Mr. Pristera noted the house was occupied by a previous mayor and civic-oriented citizens, but the architecture is the most significant feature. Mr. Pristera noted the board meeting is a forum, along with the delay, to provide an opportunity for someone else to step up and preserve the structure. The board discussed the feasibility of moving the structure. Board Member Courtney encouraged the applicant to reconsider demolition and that restoration could be attainable.

Board Member Mead made a motion that the house has historical and architectural significance and meets the requirements of the ordinance. The board should impose a 60-day delay to see if the structure can be salvaged or reconfigure the development to save the structure. Board Member Ramos seconded the motion, and it passed 6-0 with one vacant board position.

ADJOURNMENT

100 Block South Baylen

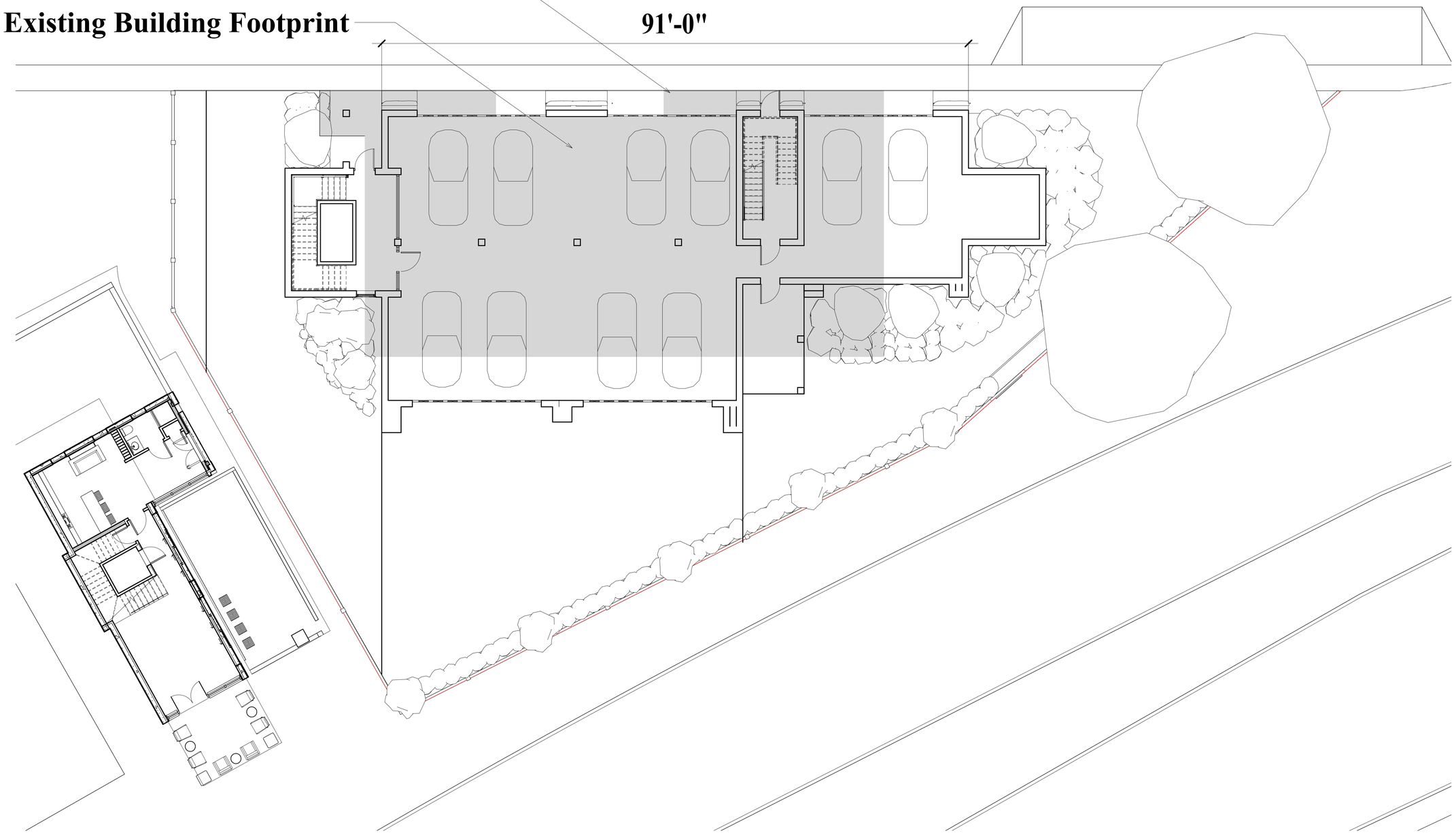
Precedent Image



Face of garage door

to edge of sidewalk





1 C- Site Plan

A201 | A106 1/8" = 1'-0"

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SMP Architecture, P.A.
205 E Intendencia Street, Pensacola, Florida 32502
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Seal

Consultant

No.	REVISION	DATE

Owner

TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

Project No. 0000

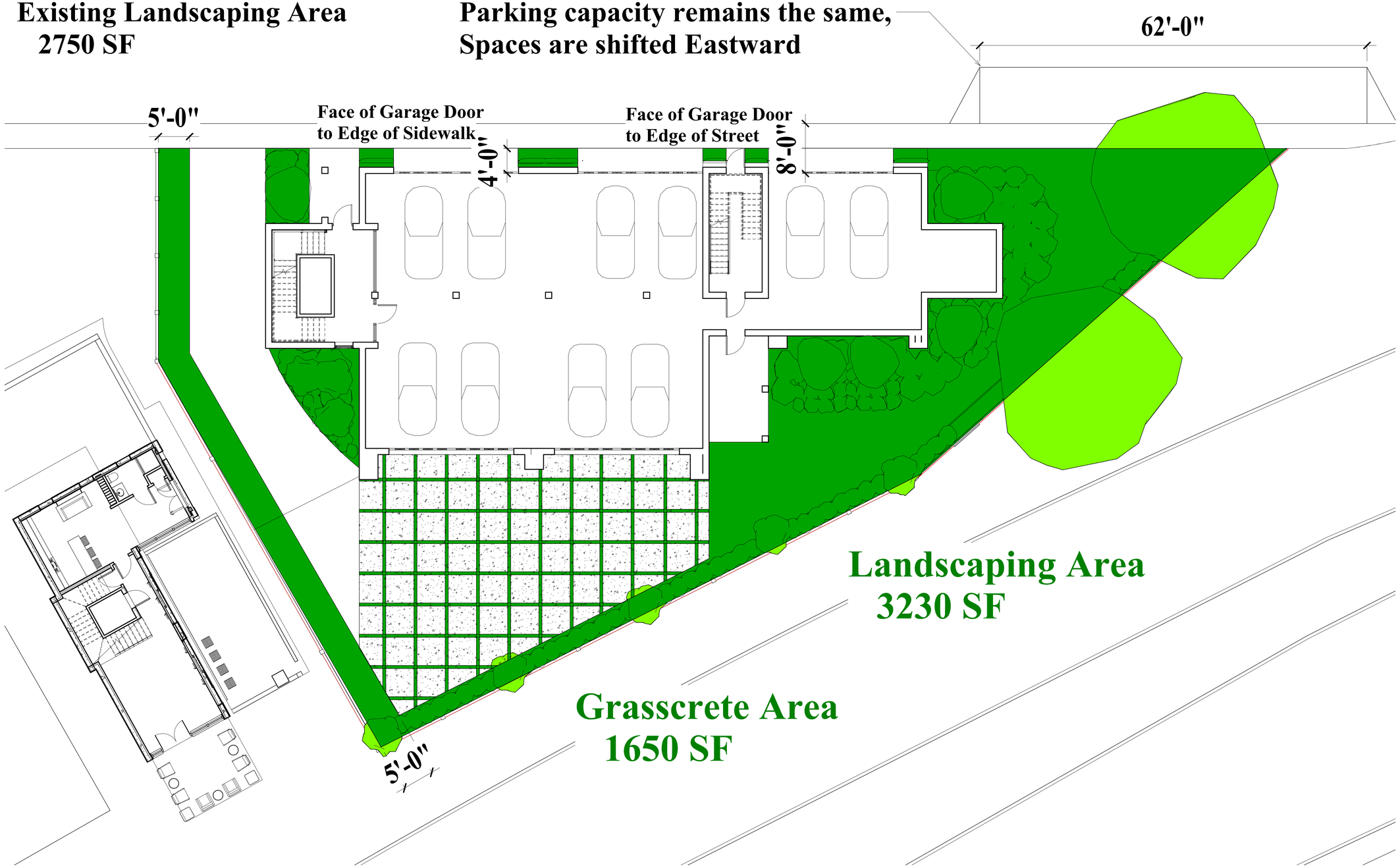
Date

Drawing Title SITE PLAN

Drawing No. A106

Existing Landscaping Area
2750 SF

Parking capacity remains the same,
Spaces are shifted Eastward



1	C- Site Plan
A201 | A105	1/8" = 1'-0"

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Seal

Consultant

No.	REVISION	DATE

Owner

TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

Project No. 0000

Date

Drawing Title
SITE PLAN

Drawing No.
A105

To the Chair and Members of the Architectural Review Board:

My name is Rafael Simpson, and I live at 435 E. Zaragoza St., just a short walk from the project site at 627 E. Government St. In addition to being a neighbor, I am the owner of two Pensacola businesses: Harry Roy, a downtown dining establishment on S. Palafox, and Haus of Hue, a furnishings and design store on N. 9th Avenue.

I support this project because it removes a building that has no historic or architectural value and replaces it with a design that respects the scale and rhythm of the Seville Historic District. The new building will enhance the streetscape of E. Government St. and contribute positively to the neighborhood that I both live in and care about deeply.

Specifically, I support the applicant's request for the stipulated building setback variances, the demolition of the existing non-contributing structure, and the conceptual design approval of the proposed new building.

As a business owner, I understand the importance of maintaining high standards of design in our community. This project does exactly that — it elevates the historic district by introducing architecture that is compatible, thoughtful, and enduring.

I respectfully encourage the Board to approve this application.

Respectfully,

Rafael "Raf" Simpson

Resident, 435 E. Zaragoza St.

Owner, Harry Roy & Haus of Hue

Signature: _____

Date: 8/20/25

Printed Name: Raf Simpson

NAIPensacola

To the Chair and Members of the Architectural Review Board:

I am **DeeDee Davis, Broker/Owner of NAI Pensacola, located at 24 W. Chase St., Pensacola, FL 32502.** I have worked in the Pensacola real estate market for many years, including downtown and within the Seville Historic District.

I have reviewed the petition circulated in opposition to the project at **627 E. Government St.**, and I feel it is important to correct a false impression that this project would somehow diminish surrounding property values.

Specifically, I support the applicant's request for the **stipulated building setback variances**, the **demolition of the existing non-contributing structure**, and the **conceptual design approval** of the proposed new building.

In my professional judgment, replacing a **non-contributing structure** with a **new, architecturally compatible building** will **enhance the overall desirability and value of nearby properties.**
Well-designed infill of this kind is proven to strengthen historic neighborhoods by raising standards of design and contributing to a sense of stability.

Concerns about declining property values are unfounded. The market consistently rewards high-quality architecture, sensitive redevelopment, and investments that improve the streetscape — all of which this project provides.

As a broker who understands both the historic district and the broader Pensacola market, I can state with confidence that this project will **positively impact neighboring values**, not harm them.

Respectfully
submitted,
DeeDee Davis
Broker/Owner,
NAI Pensacola
24 W. Chase St., Pensacola, FL 32502

Signature: DeeDee Davis Date: 8-20-25

Printed Name: DeeDee Davis

24 West Chase Street Suite 100 | Pensacola, Florida USA 32502 | +1 850 433 0577 | naipensacola.com

To the Chair and Members of the Architectural Review Board:

I am **Kim Simpson**, a property owner residing at **434 E. Zaragoza St.**, in close proximity to the property at **627 E. Government St.**

As neighbors, we all want what is best for Seville. This project proposes to **demolish** a building that has long been out of place and replace it with one that is designed to fit more naturally into its surroundings. The proposed design is more in keeping with the scale, character, and materials found throughout the district.

I want to clarify something important: I originally signed a petition opposing this project, but that was because I was asked to sign without being shown any images or illustrations and felt pressured to add my name. Once I had the opportunity to see the actual plans and understand what is being proposed, I reconsidered my position. I have since **formally requested that my name be removed from the petition** and asked if I could instead submit this letter of support.

Specifically, I support the applicant's request for the **stipulated building setback variances**, the **demolition of the existing non-contributing structure**, and the **conceptual design approval** of the proposed new building.

The requested setback variances do not introduce new conditions — they reflect a long-standing pattern on this site. Approval of this application means replacing a structure that detracts from the neighborhood with one that is much more appropriate and lasting.

For these reasons, I respectfully encourage you to grant approval for the requested variances.

Sincerely,
Kim Simpson
434 E. Zaragoza St.
Pensacola, FL

Signature: _____ Date: 08202025

Printed Name: Kim simpson-Browne

To the Chair and Members of the Architectural Review Board:

As residents and property owners of two nearby residential properties (**181 S. 9th Ave.** and **636 E. Government St., Unit 3**), both of which are within walking distance of the proposed project at **627 E. Government St.**, we wish to express our strong support.

This proposal would replace a structure that has no architectural or cultural significance with a building that has been designed with care and sensitivity to the surrounding historic district. The proposed scale, proportions, and materials are consistent with the neighborhood and will contribute positively to the overall appearance of E. Government St.

Specifically, we support the applicant's request for the **stipulated building setback variances**, the **demolition of the existing non-contributing structure**, and the **conceptual design approval** of the proposed new building.

Approving this project will result in a more compatible and lasting improvement to the historic district and reinforce the character of Seville as one of Pensacola's most treasured neighborhoods.

With respect,
Robert Boothe
Lauren Hayward-Boothe

Signature: _____ Date: 8-13-2025

Printed Name: Robert Boothe

Signature: _____ Date: 8-13-2025

Printed Name: Lauren Hayward-Boothe

Letter of Support / ARB Application for 627 E. Government Variance

To: City of Pensacola Architectural Review Board Chair & Members

My name is **Blake Rushing**, and I live just a stone's throw from the proposed project site at **627 East Government Street**. My wife and I deliberately chose to make our home in the **Seville Historic District** so that we could live in a walkable, mixed-use neighborhood — close to my downtown restaurant, where I serve as Executive Chef, and close enough that I can be present with my wife and children.

The Seville District offers a unique blend of historic character, neighborhood vitality, and access to public spaces like **Seville Square** and **Admiral Mason Park**, as well as the nearby **Pensacola Bayfront walking and biking paths**. These are the qualities that drew us here — and they are the same qualities that this proposed development will strengthen.

I understand that the applicant is requesting a **setback variance** to allow this project to move forward. I support this request because the design is **thoughtful, compatible with the scale of surrounding structures, and respectful of the historic district's character**. Rather than leaving an **underutilized building** in place, this project will introduce well-designed housing that enhances both the visual and functional fabric of the block.

From the perspective of both a father and a business owner, I see this project as a clear improvement: **more residents living downtown means safer streets, more support for local businesses, and a stronger sense of community.** It is exactly the kind of investment that reinforces Pensacola's long-term vitality while honoring its past.

I am proud to add my name in support of this project, and I respectfully encourage your approval of the **building setback variance request as well as the conceptual design**.

Sincerely,

Blake Rushing (Printed Name)

Date: 8/20/25

I respectfully submit this letter of support to the Chair of the ARB and to all of the ARB members.

If I may introduce myself;

I am a resident of 433 E Zarragoza Street for 2 years, and own a historic building downtown.

I am a resident of Pensacola for 45 years, and have lived in the downtown area for over 10 years.

I also serve on the UWF Historic Board.

In behalf of Brian Spencers submittal today ;

I fully support this submittal and would ask for approval of the building setback variance request, as well as the demolition of the existing building on said property.

I believe it will be an improvement both aesthetically and will fill the need for more housing downtown for young professionals. I believe this is responsible growth.

I also believe Brian Spencer is a responsible and upstanding citizen and architect, who cares deeply about the historic values of our community and has vision with sensitivity to the current and future needs of Pensacola.

I fully support the conceptual approval of 627 E Government Street.

Respectfully,

Teri Levin

Dear Brian,

You have my permission to share this letter of support for the Demolition, Building Setback Variances, and Conceptual Approval with the ARB chair and Board members at the ARB meeting on August 21, 2025. I wish I was able to voice my support in person, but I hope my opinion as a former ARB member is helpful for your project.

I believe the proposed project results in new building massing that is substantially similar to the existing non-conformity along the Bayfront frontage and actually reduces the existing non-conformity along the Government frontage.

I also believe the site presents unique conditions unlike any other site in the District and the setbacks as defined by the LDC would preclude the construction of a usable footprint for infill housing, for which the City has expressed an ongoing need. Furthermore, infill housing is the most appropriate use of the site given the residential fabric of this dead end street and the design will be a great addition to the DIstrict. Finally, I believe the variance criteria have been demonstrated as outlined by the LDC.

Thanks,

Jordan Yee

Seville Square Historic District Neighborhood Association
Position on 627 E. Government Street

ARB Meeting – August 21, 2025

OBJECT TO ALL OF THE VARIANCES, INAPPROPRIATE FOR THIS PARCEL

Setbacks & Scale

- Rear setback reduction (20' → 9' on Bayfront) eliminates green buffer and pushes mass directly onto sidewalk (part of new Bayfront redesign); not consistent with intent of district standards for green space and pedestrian scale.
- Front setback reduction (15' → 0' on Government) breaks the established rhythm of the 600 block, where all residences have visible setbacks; overhangs at 0' are not a historic feature of this block.
- Section 12-3-10 requires that setbacks reflect the development pattern of adjacent contributing structures; current proposal introduces an incompatible edge condition.

Density & Use

- Ten-unit multifamily structure (3 stories with first-floor parking) is too dense for the parcel and immediate residential context.
- First-floor parking podium creates an inactive streetscape, inconsistent with historic district's pedestrian scale.
- Section 12-3-10 (1)a: zoning regulations intend to "enhance the pedestrian scale" — podium parking undermines this intent.

Parking & Traffic

- No clear plan for off-street parking to accommodate residents or visitors; street parking in this corridor is already at capacity.
- Proposed development eliminates 62' of designated public parking which is currently located directly in front of the proposed structure.
- Three double garage doors on Government Street immediately open to the sidewalk creates a safety hazard for pedestrians. No visual clearance from the parking garage onto Government Street or view points/mirrors for traffic.
- Increased density without parking relief will negatively affect neighborhood circulation and quality of life.

Green Space & Landscaping

- Concept plan shows no meaningful green space, canopy trees, or landscaped buffers.
- Elimination of tree canopy conflicts with 12-3-10 (1)e(2) which protects shade/flowering trees as defining elements of district character.
- Section 12-3-10(e)(6) requires lots to be landscaped with "trees, shrubbery, or ground cover" — proposal is all paved, failing this requirement.*

Architectural Review Board 8/21/2025

City of Pensacola

Letter Opposing Variance Request - 627 East Government Street, Pensacola, FL

We, the undersigned residents and property owners of Seville Place Homeowners Association respectfully oppose the variance request submitted for 627 East Government Street, Pensacola, FL 32502, which seeks to:

1. Reduce the required rear yard setback from 20 feet to 9 feet;
2. Reduce the required front yard setback from 15 feet to 0 feet; and
3. Construct a three story 10-unit condominium complex with 10 parking spaces.

Reasons for Opposition:

1. **Excessive Building Scale and Density**
   - A 34-foot, three story ten unit development squeezed onto a reduced setback lot will overwhelm the scale and character of the surrounding neighborhood.
   - The reduced setbacks drastically diminish green space and buffer zones that protect neighboring properties' privacy and enjoyment.
2. **Parking Deficiency and Traffic Concerns**
   - Ten units with only ten parking spaces fails to adequately address resident and visitor parking needs. In addition to increased density, the proposed project eliminates 62 feet of designated public parking on Government Street because of the proposed garage entrances.
   - Spillover parking will burden surrounding streets, creating congestion, safety hazards, and diminished access for emergency vehicles.
3. **Negative Impact on Community Character and Property Values**
   - The zero-foot front setback eliminates the streetscape buffer and creates a looming structure directly on the sidewalk, inconsistent with the existing neighborhood pattern.

- These variances, if granted, could set a precedent for overdevelopment in an area not designed to handle it and will adversely affect current residents' property values and the quality of life.

4. **Lack of Demonstrated Hardship**

   - Variances are intended to address unique hardships related to a property's physical characteristics, not to maximize developer profits. This lot is simply too small for the proposed structure.

   - In this case, the property can be developed reasonably within existing zoning regulations without these extreme setback reductions. Our you could simply keep the building.

Conclusion

We urge the Board to uphold existing zoning standards by denying the requested variances. These regulations are in place to preserve community character, protect safety, and ensure balanced development. Approving this request would undermine those protections and harm the neighborhood we value.

Respectfully submitted,

The residents of Seville Place Homeowners Association:

612 East Government Street (Chris Carroll)

618 East Government Street (Robby and Leslie Youd)

620 East Government Street (Michael Piper)

622 East Government Street (Christy Nixon)

624 East Government Street (Kelly Greene and Charles Mielke)

626 East Government Street (Stephen and Tracey Preisser)

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Brantley, William	Architectural Review Board
MAILING ADDRESS 205 E. Intendencia Street	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Pensacola — COUNTY: Escambia	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 8/21/2025	MY POSITION IS: ☐ ELECTIVE ☑ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, William Brantley, hereby disclose that on Thursday, August 21, 20 25:

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

X inured to the special gain or loss of my business associate, Randy Maxwell, SMP Architects;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Agenda Item 6 - 819 E. Jackson Street

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

8/21/25
Date Filed

William Brantley
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Brantley, William	Architectural Review Board
MAILING ADDRESS 205 E. Intendencia Street	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Pensacola — COUNTY: Escambia	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 8/21/2025	MY POSITION IS: ☐ ELECTIVE ☑ APPOINTIVE

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* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, William Brantley, hereby disclose that on Thursday, August 21, 20 25:

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

X inured to the special gain or loss of my business associate, Brian Spencer, SMP Architects;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Agenda Item 9 - 627 E. Government Street

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

8/21/25
Date Filed

William Brantley
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Brantley, William	Architectural Review Board
MAILING ADDRESS 205 E. Intendencia Street	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Pensacola — COUNTY: Escambia	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 8/21/2025	MY POSITION IS: ☐ ELECTIVE ☑ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
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IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

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___ inured to the special gain or loss of my relative, _____ ;

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___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

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Agenda Item 10 - 627 E. Government Street

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8/21/25
Date Filed

William Brantley
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

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LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Brantley, William	Architectural Review Board
MAILING ADDRESS 205 E. Intendencia Street	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Pensacola — COUNTY: Escambia	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 8/21/2025	MY POSITION IS: ☐ ELECTIVE ☑ APPOINTIVE

WHO MUST FILE FORM 8B

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For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

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APPOINTED OFFICERS (continued)

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___ inured to the special gain or loss of my relative, _____ ;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

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Agenda Item 11 - 627 E. Government Street

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8/21/25
Date Filed

William Brantley
Signature

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT**)

BRANDON SANDERS — Name (print)

610 E. GOVERNMENT — Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

2. 313 W. Intendencia Street
3. 1011 N. Reus Street
4. 600 Blk N. 6th Avenue
5. 710 N. 7th Avenue
6. 819 E. Jackson Street
7. N. Jefferson Street
8. 110 E. Garden Street
9. 627 E. Government Street – variance
10. 627 E. Government Street – demolition
11. 627 E. Government Street – conceptual review
12. 500 Bayou Boulevard

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

CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT**)

DEVAN DUNCAP
Name (print)

Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

2. 313 W. Intendencia Street
3. 1011 N. Reus Street
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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Chris Carrol — Name (print)

612 E Government St — Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

2. 313 W. Intendencia Street

3. 1011 N. Reus Street

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

LINDA Webb
Name (print)

206 S. Florida Blanca
Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

2. 313 W. Intendencia Street

3. 1011 N. Reus Street

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Christy Emmanuel — Name (print)
313 S. Florida Blanca — Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

2. 313 W. Intendencia Street

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Rick Emmanuel
Name (print)

313 S. Florida Blanca St
Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

RODERIC MAGEE — Name (print)

609 Crown Cove 32502 — Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Stephen Fluegge — Name (print)

555 E. Government St — Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Lina Stephens
Name (print)

607+617 Crown Cove
Address

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OPEN FORUM

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Kevin Stephens
Name (print)

603 + 605 E Government St
Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT**)

Stephen Preisser
Name (print)

626 E. Government Street
Address

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OPEN FORUM

NEW BUSINESS

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Tracey Reisser
Name (print)

626 E Goverment St
Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Name (print) Address

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11. 627 E. Government Street – conceptual review
12. 500 Bayou Boulevard

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

CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT**)

Scott Sallis — Name (print)

309 E Government St — Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

2. 313 W. Intendencia Street
3. 1011 N. Reus Street
4. 600 Blk N. 6th Avenue
5. 710 N. 7th Avenue
6. 819 E. Jackson Street
7. N. Jefferson Street
8. 110 E. Garden Street
9. 627 E. Government Street – variance
10. 627 E. Government Street – demolition
11. 627 E. Government Street – conceptual review

} speak once

12. 500 Bayou Boulevard

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT**)

Name (print) Ryan Yarnell

Address 618 E Gov't

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

2. 313 W. Intendencia Street

3. 1011 N. Reus Street

4. 600 Blk N. 6th Avenue

5. 710 N. 7th Avenue

6. 819 E. Jackson Street

7. N. Jefferson Street

8. 110 E. Garden Street

9. 627 E. Government Street – variance

10. 627 E. Government Street – demolition

11. 627 E. Government Street – conceptual review

12. 500 Bayou Boulevard

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The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable

File #: 25-1052 | Architectural Review Board | 8/21/2025

LEGISLATIVE ACTION ITEM

SUBJECT:

627 E. Government Street
Pensacola Historic District / Zone HC-1 / City Council District 6
Demolition of a Non-Contributing Structure

SUMMARY:

Brian Spencer is seeking approval to demolish a non-contributing structure to allow for the development of a multifamily residential structure. The 6,966 sf. structure was built in 1981 and does not require replacement plans to be provided, but the next agenda item is conceptual review of the proposed multifamily residential development.

Recommended Code Sections:
12-3-10(1)j. Pensacola Historic District; Other demolition permits.

ATTACHMENTS:

1. Images
2. Demolition_Application and Materials

627 E. Government Street





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

Architectural Review Board Application
Full Board Review

Application Date: 7/31/25

Project Address: **627 E. Government St.**

Applicant: SMP Architecture

Applicant's Address: 205 E. Intendencia St.

Email: *brian@smp-arch.com* Phone: 850-712-2612

Property Owner: Quarter Portions, LLC
(If different from Applicant)

District: ☑ ***PHD*** ☐ ***NHPD*** ☐ ***OEHPD*** ☐ ***PHBD*** ☐ ***GCD***

Application is hereby made for the project as described herein:

☐ Residential Homestead – $50.00 hearing fee

☑ Commercial/Other Residential – $250.00 hearing fee

** An application shall be scheduled to be heard once all required materials have been submitted and it is deemed complete by the Secretary to the Board. You will need to include six (6) copies of the required information. Please see pages 3 – 4 of this application for further instruction and information.*

Project specifics/description:
PLEASE SPECIFY IF CONCEPTUAL DISCUSSION ITEM, CONCEPTUAL REVIEW, OR FINAL REVIEW.
DEMOLITION REQUEST FOR NON-CONTRIBUTING BUILDING

I, the undersigned applicant, understand that payment of these fees does not entitle me to approval and that no refund of these fees will be made. I have reviewed the applicable zoning requirements and understand that I must be present on the date of the Architectural Review Board meeting.

Applicant Signature

7/31/25
Date

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


South Elevation
East Elevation


North Elevation
West Elevation

100 Block South Baylen

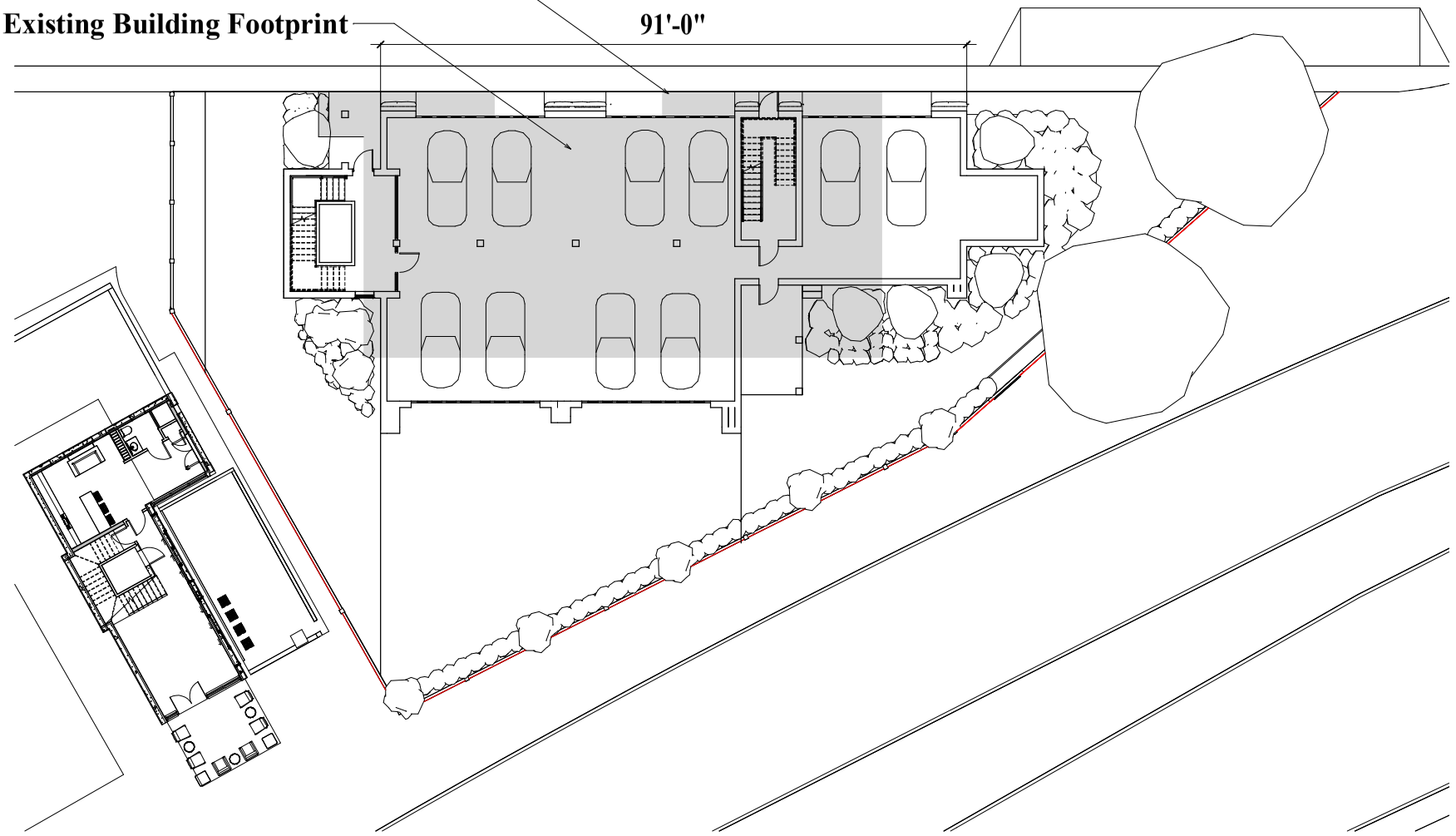
Precedent Image



Face of garage door

to edge of sidewalk





1 C- Site Plan
A201 A106 1/8" = 1'-0"

smp. architecture
Listen. Interpret. Translate.

SMP Architecture, P.A.
203 E Wesdenca Street, Pensacola, Florida 32502
p - 850 432 7772 smp-arch.com AAC001828

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Seal

Consultant

No.	REVISION	DATE

Owner

TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

Project No. 0000

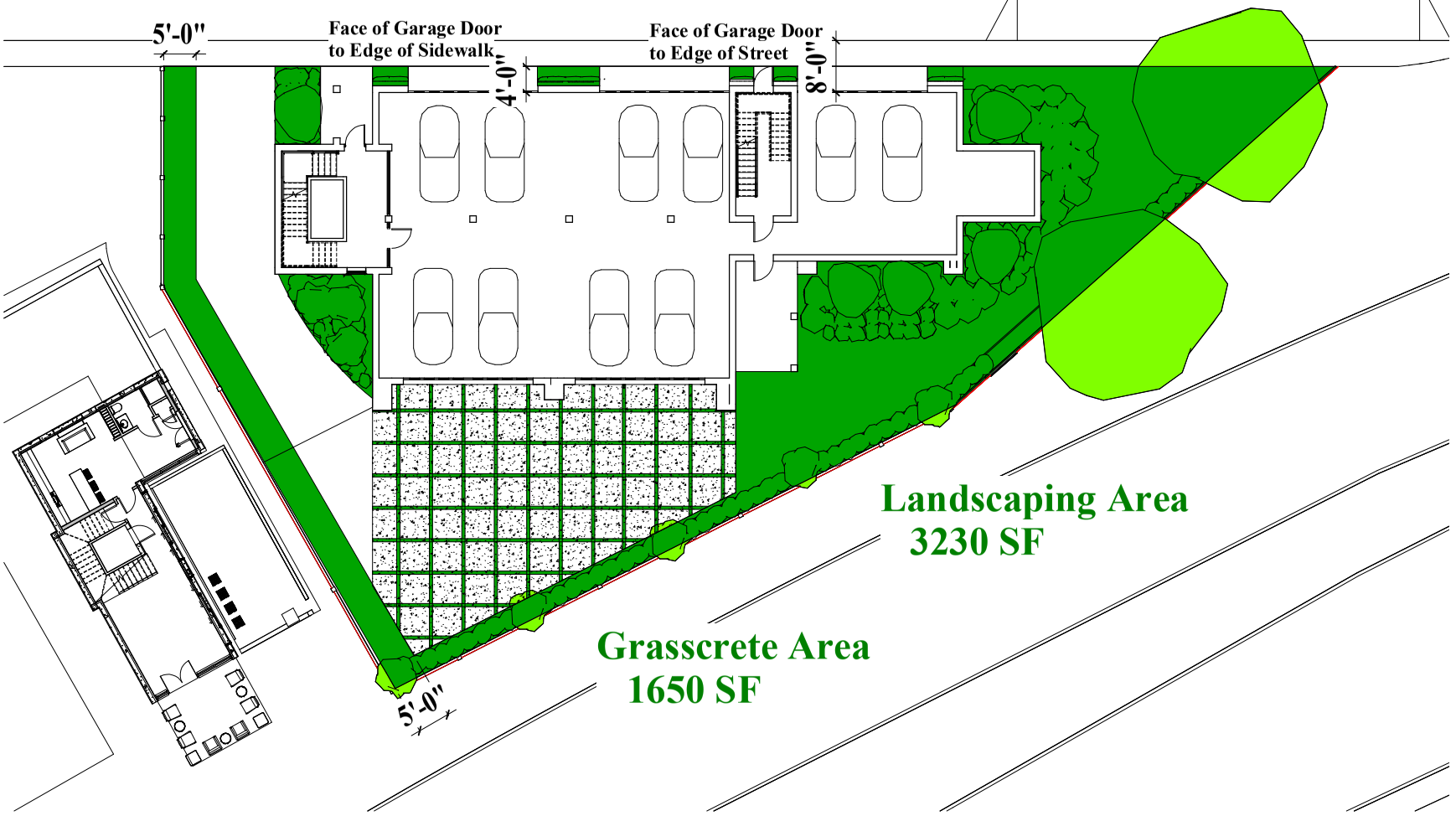
Date

Drawing Title: SITE PLAN

Drawing No. A106

DESIGN DEVELOPMENT - 08-21-2025

8/21/2025 10:40:29 AM
C:\Users\BlakeSutton\SMP Architecture\SMP Architecture - Active Projects\2512 Tristan Pointe\06 - BIM\Tristan Pointe - AAC01.rte



1 C- Site Plan

A201 | A 105 1/8" = 1'-0"

smp. architecture
Listen. Interpret. Translate.

SMP Architecture, P.A.
203 E. Intendencia Street, Pensacola, Florida 32502
p - 850 432 7772 smp-arch.com AAC001828

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Seal

Consultant

No.	REVISION	DATE

Owner

TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

Project No. 0000

Date

Drawing Title SITE PLAN

Drawing No. A105

DESIGN DEVELOPMENT - 08-21-2025

8/21/2025 11:51:46 AM
C:\Users\BlakeSutton\SMP Architecture\SMP Architecture - Active Projects\2512 Tristan Pointe\06 - BIM\Tristan Pointe - AAC01.rte

To the Chair and Members of the Architectural Review Board:

My name is Rafael Simpson, and I live at 435 E. Zaragoza St., just a short walk from the project site at 627 E. Government St. In addition to being a neighbor, I am the owner of two Pensacola businesses: Harry Roy, a downtown dining establishment on S. Palafox, and Haus of Hue, a furnishings and design store on N. 9th Avenue.

I support this project because it removes a building that has no historic or architectural value and replaces it with a design that respects the scale and rhythm of the Seville Historic District. The new building will enhance the streetscape of E. Government St. and contribute positively to the neighborhood that I both live in and care about deeply.

Specifically, I support the applicant's request for the stipulated building setback variances, the demolition of the existing non-contributing structure, and the conceptual design approval of the proposed new building.

As a business owner, I understand the importance of maintaining high standards of design in our community. This project does exactly that — it elevates the historic district by introducing architecture that is compatible, thoughtful, and enduring.

I respectfully encourage the Board to approve this application.

Respectfully,

Rafael "Raf" Simpson

Resident, 435 E. Zaragoza St.

Owner, Harry Roy & Haus of Hue

Signature: _____

Date: 8/20/25

Printed Name: Raf Simpson

NAIPensacola

To the Chair and Members of the Architectural Review Board:

I am **DeeDee Davis, Broker/Owner of NAI Pensacola, located at 24 W. Chase St., Pensacola, FL 32502.** I have worked in the Pensacola real estate market for many years, including downtown and within the Seville Historic District.

I have reviewed the petition circulated in opposition to the project at **627 E. Government St.**, and I feel it is important to correct a false impression that this project would somehow diminish surrounding property values.

Specifically, I support the applicant's request for the **stipulated building setback variances**, the **demolition of the existing non-contributing structure**, and the **conceptual design approval** of the proposed new building.

In my professional judgment, replacing a **non-contributing structure** with a **new, architecturally compatible building** will **enhance the overall desirability and value of nearby properties.**
Well-designed infill of this kind is proven to strengthen historic neighborhoods by raising standards of design and contributing to a sense of stability.

Concerns about declining property values are unfounded. The market consistently rewards high-quality architecture, sensitive redevelopment, and investments that improve the streetscape — all of which this project provides.

As a broker who understands both the historic district and the broader Pensacola market, I can state with confidence that this project will **positively impact neighboring values**, not harm them.

Respectfully
submitted,
DeeDee Davis
Broker/Owner,
NAI Pensacola
24 W. Chase St., Pensacola, FL 32502

Signature: DeeDee Davis Date: 8-20-25

Printed Name: DeeDee Davis

24 West Chase Street Suite 100 | Pensacola, Florida USA 32502 | +1 850 433 0577 | naipensacola.com

To the Chair and Members of the Architectural Review Board:

I am **Kim Simpson**, a property owner residing at **434 E. Zaragoza St.**, in close proximity to the property at **627 E. Government St.**

As neighbors, we all want what is best for Seville. This project proposes to **demolish** a building that has long been out of place and replace it with one that is designed to fit more naturally into its surroundings. The proposed design is more in keeping with the scale, character, and materials found throughout the district.

I want to clarify something important: I originally signed a petition opposing this project, but that was because I was asked to sign without being shown any images or illustrations and felt pressured to add my name. Once I had the opportunity to see the actual plans and understand what is being proposed, I reconsidered my position. I have since **formally requested that my name be removed from the petition** and asked if I could instead submit this letter of support.

Specifically, I support the applicant's request for the **stipulated building setback variances**, the **demolition of the existing non-contributing structure**, and the **conceptual design approval** of the proposed new building.

The requested setback variances do not introduce new conditions — they reflect a long-standing pattern on this site. Approval of this application means replacing a structure that detracts from the neighborhood with one that is much more appropriate and lasting.

For these reasons, I respectfully encourage you to grant approval for the requested variances.

Sincerely,
Kim Simpson
434 E. Zaragoza St.
Pensacola, FL

Signature: _____ Date: 08202025

Printed Name: Kim simpson-Browne

To the Chair and Members of the Architectural Review Board:

As residents and property owners of two nearby residential properties (**181 S. 9th Ave.** and **535 E. Government St., Unit 3**), both of which are within walking distance of the proposed project at **627 E. Government St.**, we wish to express our strong support.

This proposal would replace a structure that has no architectural or cultural significance with a building that has been designed with care and sensitivity to the surrounding historic district. The proposed scale, proportions, and materials are consistent with the neighborhood and will contribute positively to the overall appearance of E. Government St.

Specifically, we support the applicant's request for the **stipulated building setback variances**, the **demolition of the existing non-contributing structure**, and the **conceptual design approval** of the proposed new building.

Approving this project will result in a more compatible and lasting improvement to the historic district and reinforce the character of Seville as one of Pensacola's most treasured neighborhoods.

With respect,
Robert Boothe
Lauren Hayward-Boothe

Signature: _____ Date: 8-13-2025

Printed Name: Robert Boothe

Signature: _____ Date: 8-13-2025

Printed Name: Lauren Hayward-Boothe

Letter of Support / ARB Application for 627 E. Government Variance

To: City of Pensacola Architectural Review Board Chair & Members

My name is **Blake Rushing**, and I live just a stone's throw from the proposed project site at **627 East Government Street**. My wife and I deliberately chose to make our home in the **Seville Historic District** so that we could live in a walkable, mixed-use neighborhood — close to my downtown restaurant, where I serve as Executive Chef, and close enough that I can be present with my wife and children.

The Seville District offers a unique blend of historic character, neighborhood vitality, and access to public spaces like **Seville Square** and **Admiral Mason Park**, as well as the nearby **Pensacola Bayfront walking and biking paths**. These are the qualities that drew us here — and they are the same qualities that this proposed development will strengthen.

I understand that the applicant is requesting a **setback variance** to allow this project to move forward. I support this request because the design is **thoughtful, compatible with the scale of surrounding structures, and respectful of the historic district's character**. Rather than leaving an **underutilized building** in place, this project will introduce well-designed housing that enhances both the visual and functional fabric of the block.

From the perspective of both a father and a business owner, I see this project as a clear improvement: **more residents living downtown means safer streets, more support for local businesses, and a stronger sense of community.** It is exactly the kind of investment that reinforces Pensacola's long-term vitality while honoring its past.

I am proud to add my name in support of this project, and I respectfully encourage your approval of the **building setback variance request as well as the conceptual design.**

Sincerely,

Blake Rushing (Printed Name)

Date: 8/20/25

I respectfully submit this letter of support to the Chair of the ARB and to all of the ARB members.

If I may introduce myself;

I am a resident of 433 E Zarragoza Street for 2 years, and own a historic building downtown.

I am a resident of Pensacola for 45 years, and have lived in the downtown area for over 10 years.

I also serve on the UWF Historic Board.

In behalf of Brian Spencers submittal today ;

I fully support this submittal and would ask for approval of the building setback variance request, as well as the demolition of the existing building on said property.

I believe it will be an improvement both aesthetically and will fill the need for more housing downtown for young professionals. I believe this is responsible growth.

I also believe Brian Spencer is a responsible and upstanding citizen and architect, who cares deeply about the historic values of our community and has vision with sensitivity to the current and future needs of Pensacola.

I fully support the conceptual approval of 627 E Government Street.

Respectfully,

Teri Levin

Dear Brian,

You have my permission to share this letter of support for the Demolition, Building Setback Variances, and Conceptual Approval with the ARB chair and Board members at the ARB meeting on August 21, 2025. I wish I was able to voice my support in person, but I hope my opinion as a former ARB member is helpful for your project.

I believe the proposed project results in new building massing that is substantially similar to the existing non-conformity along the Bayfront frontage and actually reduces the existing non-conformity along the Government frontage.

I also believe the site presents unique conditions unlike any other site in the District and the setbacks as defined by the LDC would preclude the construction of a usable footprint for infill housing, for which the City has expressed an ongoing need. Furthermore, infill housing is the most appropriate use of the site given the residential fabric of this dead end street and the design will be a great addition to the DIstrict. Finally, I believe the variance criteria have been demonstrated as outlined by the LDC.

Thanks,

Jordan Yee

File #: 25-1400 City Council 10/22/2025

LEGISLATIVE ACTION ITEM

SPONSOR: Council President Jared Moore

SUBJECT:

LEGISLATIVE HEARING -- REVIEW OF ARCHITECTURAL REVIEW BOARD (ARB) DECISION - CONCEPTUAL REVIEW AT 627 E. GOVERNMENT STREET

RECOMMENDATION:

That City Council conduct a legislative hearing on October 22, 2025, for the purpose of reviewing a decision made by the ARB concerning a conceptual review request at 627 East Government Street. Further, that City Council either affirm the ARB decision, reverse the ARB decision, or vacate the decision and remand back to the ARB for rehearing.

HEARING REQUIRED: Public Hearing Required

SUMMARY:

On August 21, 2025, the ARB received a request for conceptual review, File #25-1053 for 627 E. Government St. The request was seeking conceptual approval for a new multifamily residential structure composed of first floor parking beneath second and third floor residential space, composed of 10 units.

After hearing the item, a proper motion was made to approve as submitted, a request was made asking to limit the approval to siting, massing, setbacks,
masonry podium with parking below, the roof line, the balconies being appropriate with added design details, and attention to the front facade to make it more
compatible with the surroundings. This amendment was accepted with a proper second. The motion passed 4-0 with one board position vacant and one board member recused. Please note, the motion passed 5-0, 4-0 noted within the minutes was a typo.

PRIOR ACTION:

August 21, 2025 -- ARB Meeting
September 5, 2025 -- Timely petition for review filed

FUNDING:

N/A

FINANCIAL IMPACT:

None

LEGAL REVIEW ONLY BY CITY ATTORNEY: No

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

1. Petition for Review - Ltr Petition and Exhibits - City of Pensacola ARB
2. ARB Meeting Minutes August 21, 2025
3. 627 E. Government Street_Complete Packet_conceptual
4. 627 E. Government Street_supplemental information shared at meeting

PRESENTATION: No

(850) 460-1601
meredith@meredithbushlaw.com
314 S. Baylen Street, Suite 108, Pensacola, Florida 32502
www.meredithbushlaw.com

MEREDITH BUSH LAW

September 5, 2025

VIA E-MAIL ONLY –
EBurnett@cityofpensacola.com
City Council of the City of Pensacola
c/o Ms. Ericka Burnett, City Clerk
222 W. Main Street
Pensacola, Florida 32502

RE: Petition for Review and Request for Hearing Pursuant to § 12-12-3(13), LDC; Action by Architectural Review Board in Case Nos. 25-1051, 25-1052, and 25-1053 on August 21, 2025.

Dear Honorable Council Members and Ms. Burnett:

Please find enclosed, on behalf of my clients Crown Cove HOA, Seville Place HOA, Christopher Carroll, Ilona Stephens, and Kevin Stephens, a Petition for Review of the Architectural Review Board's approvals in Case Nos. 25-1051, 25-1052, and 25-1053 regarding 627 East Government Street.

As explained in the Petition, we respectfully request that City Council vacate the ARB's actions and grant a de novo rehearing to ensure compliance with the Land Development Code, Historic District Guidelines, and residents' right to meaningful participation.

We ask that this matter be placed on the Council's agenda for consideration. Please contact me with any questions.

Respectfully submitted,

Meredith D. Bush
MEREDITH BUSH LAW

Enclosures
Cc: City Attorney, Adam Cobb at ACobb@cityofpensacola.com
Applicant, Brian Spencer at Brian@smp-arch.com

CITY OF PENSACOLA
CITY COUNCIL

In RE:

CROWN COVE HOA,
SEVILLE PLACE, HOA,
CHRISTOPHER CARROLL,
ILONA STEPHENS, and
KEVIN STEPHENS,
Petitioners/ Affected Property Owners/Intervenors.,

v.

ARCHITECTURAL REVIEW BOARD
CITY OF PENSACOLA,
Respondent.

ARB FILE Nos: 25-1051, 25-1052, and 25-1053
Property Address: 627 E Government Street
Property Reference: 00-0S-00-9001-001-101

NOTICE OF APPEARANCE AND PETITION FOR REVIEW

NOTICE IS GIVEN that Meredith D. Bush of the law firm Meredith Bush Law hereby enters her appearance as counsel for Petitioners/Affected Property Owners/ Intervenors, CROWN COVE HOA, SEVILLE PLACE, HOA, CHRISTOPHER CARROLL, ILONA STEPHENS, and KEVIN STEPHENS, (hereinafter "Petitioners") and requests that the parties hereto provide them with copies of any and all pleadings, notices or orders which are filed or served in this case.

Petitioners, by and through their undersigned attorney, pursuant to § 12-12-3(13) of the Land Development Code, hereby respectfully submit this Petition for Review to City Council of action taken by the City of Pensacola Architectural

Review Board ("ARB") in Case Nos. 25-1051, 25-1052, and 25-1053 on August 21, 2025.

I. INTRODUCTION

This petition arises from the ARB's approval of three related applications concerning the property located at 627 East Government Street**,** a parcel situated within the Pensacola Historic District (HC-1) at the eastern terminus of East Government Street, immediately adjoining Crown Cove and abutting Bayfront Parkway.

The applicant, Brian Spencer through SMP Architecture on behalf of Quarter Portions LLC, sought (1) a variance to reduce front and rear yard setbacks to accommodate a three-story, thirty-four-foot multifamily structure; (2) demolition of the existing 6,966 square-foot structure built in 1981, classified as non-contributing; and (3) conceptual approval for new multifamily residential construction consisting of ten units elevated above first-floor parking.

Each of these approvals was granted despite the applications being incomplete and lacking the evidentiary foundation required by law. In addition to these substantive deficiencies, the proceedings were marred by serious procedural violations, including hearing the variance before the demolition, restricting public comment to "evidentiary" issues, denying opponents the opportunity to cross-examine, and relying on unsworn testimony in a quasi-judicial hearing. By approving the applications under these circumstances, the ARB acted arbitrarily and capriciously, failed to ensure compliance with the Pensacola Land Development Code and Historic District Guidelines, and

deprived adjacent property owners of due process and a meaningful opportunity to be heard. Review is warranted because the ARB's actions were unlawful, not supported by competent substantial evidence, and constitute reversible error.

II. STANDING

Petitioners are directly affected by the Architectural Review Board's approval of redevelopment at 627 East Government Street. Each Petitioner either owns property immediately adjacent to the subject site or represents homeowners whose residences directly front or adjoin the parcel. The proposed ten-unit, three-story multifamily project with reduced setbacks will impose adverse impacts including loss of privacy, incompatibility of scale, traffic congestion, and diminished neighborhood character.

A. *Crown Cove HOA*

The Crown Cove Owners Association, Inc. ("Crown Cove HOA") represents residents whose lots directly abut or share access with the subject parcel via East Government Street. Its members will suffer increased traffic, safety risks, and adverse effects on property value and enjoyment.

B. *Seville Place HOA*

The Seville Place Homeowners' Association, Inc. ("Seville Place HOA") represents residents directly across East Government Street from the subject

property. Its members will face overshadowing, loss of privacy, and incompatibility with the modest cottage-scale of the subdivision.

C. *Christopher Carroll*

Petitioner Christopher Carroll, owner of 612 E Government Street, holds a parcel that lies across the street from the site and in immediate proximity to the proposed development. He will be directly impacted by parking, traffic, compatibility, property values, and changes to the character of the neighborhood.

D. *Ilona Stephens*

Petitioner Ilona Stephens, owner of 607 and 617 Crown Cove, holds a parcel directly abutting the site. She will experience the most immediate harm, including overshadowing from a thirty-four-foot structure and traffic congestion at her sole point of ingress and egress.

E. *Kevin Stephens*

Petitioner Kevin Stephens, owner of 603 and 605 East Government Street, holds properties directly across from the subject parcel. He will be directly impacted by scale, traffic, and loss of compatibility with the surrounding historic neighborhood.

Florida law affords standing where property owners and associations demonstrate a substantial, particularized interest beyond that of the general

public. See *Renard v. Dade County*, 261 So.2d 832 (Fla. 1972). Petitioners meet this standard as adjoining owners and associations whose members will suffer concrete harms unique to their proximity to the subject parcel. Accordingly, Petitioners are aggrieved and adversely affected parties with full standing to seek reversal of the ARB's decision.

III. PROCEDURAL AND DUE PROCESS VIOLATIONS

Both the United States and Florida Constitution guarantees that no person shall be deprived of property without due process of law. As property owners whose interests will be directly and substantially affected by the ARB's decision on the subject applications, Petitioners are entitled to meaningful due process protections. See U.S. Const. amend. XIV; Art. I, §9, Fla. Const.

In addition to the substantive deficiencies of the applications, the record reveals multiple procedural violations that deprived Petitioners of due process in what was required to be a fair, quasi-judicial proceeding. Florida courts have consistently held that such hearings must adhere to the fundamental protections of notice, the opportunity to be heard, sworn testimony, and the right to test and challenge evidence. See *Lee County v. Sunbelt Equities, II, Ltd.*, 619 So.2d 996 (Fla. 2d DCA 1993); *Jennings v. Dade County*, 589 So.2d 1337 (Fla. 3d DCA 1991).

Quasi-judicial hearings must provide notice, an opportunity to be heard, sworn testimony, and the right to cross-examine witnesses. Procedural fairness is essential to ensure that decisions are not arbitrary or capricious. *Lee County*

v. Sunbelt Equities, II, Ltd. Partnership, 619 So. 2d 996; *Mary M. Barrett, Appellant, v. City of Gulfport, Florida, Office of Code Enforcement*, Appellee., 2013 Fla. ENV LEXIS 124, 2014 Env't Rep. Cur. Dev. (BNA) § FALR, Case No. 12-000052AP-88A.

Case law has held that a proceeding is not quasi-judicial where there "was no sworn testimony, no witnesses, no examination or cross-examination, no transcript, and no order containing findings and conclusions." *Connor v. Town of Palm Beach*, 398 So. 2d 952, 954 (Fla. 4th DCA 1981) (holding that proceeding was not quasi-judicial in nature despite the fact that the petitioner's attorney addressed the board at a public meeting on petitioner's issue and introduced a deposition and hospital records. Id. at 952-53.).

Here, the ARB disregarded those principles by proceeding in an illogical and prejudicial order, by relying on unsworn testimony and written letters without affording cross-examination, and further compounding the due process violations by refusing to allow affected parties the opportunity to also submit written statements in the form of a petition, and by improperly restricting and chilling public comment. The transcript confirms these errors, and together they render the ARB's action arbitrary, capricious, and unsupported by competent substantial evidence. See Transcript of Hearing attached as **Exhibit A**.

A. Improper Order of Proceedings

The Architectural Review Board proceeded in reverse order by hearing and voting on the variance request before the demolition application, despite the

applicant himself objecting that such sequencing was illogical. As Mr. Spencer stated: *"if a demo isn't approved … then there's no reason to talk about a variance."* (Page 6, Transcript). Staff confirmed that there was no binding procedural requirement to hear the variance first; it was simply "typically the order we've taken it." (Page 5, Transcript). This sequencing prejudiced opponents and confused the record, as the viability of a variance depended on whether demolition would be approved. Florida courts have emphasized that quasi-judicial boards must conduct proceedings in a manner that safeguards fairness and logic. By addressing the variance prematurely, the Board effectively assumed demolition approval and deprived opponents of the ability to argue the interrelated issues in a coherent order. This constitutes a procedural irregularity undermining the validity of the decision.

B. ***Unsworn Testimony and Lack of Cross Examination***

The transcript reveals that witnesses, including the applicant, were not placed under oath before testifying, and the Board did not permit any opportunity for opponents to cross-examine the applicant's claims. Instead, the Chair accepted unsworn narrative testimony and letters of support as "evidence" of compatibility and property value impacts. In *Lee County v. Sunbelt Equities, II, Ltd.*, 619 So.2d 996 (Fla. 2d DCA 1993), the court held that quasi-judicial bodies must observe the essentials of due process, **including sworn testimony and the right to cross-examine witnesses**. The failure to administer oaths here violates that standard and renders the testimony incompetent as a matter of law.

Without sworn evidence, the Board lacked a lawful evidentiary basis to support its findings, and by denying opponents the ability to test the credibility of assertions regarding hardship, compatibility, and property values, the Board deprived affected parties of fundamental fairness.

C. ***Restriction of Public Comment***

The Chair further constrained participation by instructing residents that *"the role of the public … is limited"* (Page 7, Transcript) and that testimony must be confined strictly to "evidentiary" matters tied to the variance criteria. As a result, at least one resident declined to speak, stating that he had only "commentary" and not "evidence" and therefore felt barred from meaningful participation. This restriction chilled public input and excluded concerns regarding neighborhood impacts, quality of life, and historic district character—matters that are relevant under the Land Development Code's compatibility criteria. In *Jennings v. Dade County*, 589 So.2d 1337 (Fla. 3d DCA 1991), the court held that due process in quasi-judicial hearings requires **meaningful public participation and prohibits arbitrary limitations that undermine the fairness of the proceeding**.

While it is true that quasi-judicial decisions must ultimately be based on competent, substantial evidence demonstrating whether the criteria for approval are met, the proceedings remain public meetings, and the general welfare of the community is always a legitimate consideration. Accordingly, the ARB cannot prohibit or restrict public comment, as residents have the constitutional right to

petition their government, express their views, and inform decision-makers of their concerns, needs, and perspectives. The ARB should have allowed all testimony and given the testimony the appropriate weight based on its content rather than discourage residents from speaking. The ARB's imposition of content-based restrictions on speech in this setting runs afoul of the First Amendment, which protects not only the right to speak but also the right to seek redress of grievances from government bodies.

By narrowing the scope of permissible public comment and discouraging testimony, the ARB violated this standard and deprived affected homeowners and associations of their statutory right to be heard.

Together, these procedural defects—illogical sequencing, reliance on unsworn testimony without cross-examination, and unlawful restrictions on public participation—constitute due process violations that warrant reversal of the ARB's decision.

IV. FAILURE TO APPLY QUASI-JUDICIAL STANDARDS

As outlined above, quasi-judicial proceedings, such as variance hearings before the Architectural Review Board, are governed by the fundamental principles of due process. Florida law requires that such hearings provide notice, a fair opportunity to be heard, sworn testimony, and the right to challenge and test evidence. See *Jennings v. Dade County*, 589 So.2d 1337 (Fla. 3d DCA 1991). In addition, because these proceedings involve the application of specific statutory and code-based criteria, the applicant bears the burden of

presenting competent, substantial evidence to demonstrate that each required factor is satisfied. See *Bd. of Cnty. Comm'rs of Brevard Cnty. v. Snyder*, 627 So.2d 469 (Fla. 1993). The reviewing board, in turn, **must make explicit findings of fact tied to those criteria to permit judicial review**. See *City of Apopka v. Orange Cnty.*, 299 So.2d 657 (Fla. 4th DCA 1974). Failure to follow these standards renders the proceedings legally deficient and the resulting decision subject to reversal.

A. Variance Criteria Ignored

The record shows that the Architectural Review Board failed to properly apply the statutory criteria governing variances. Board member Ramos acknowledged the obligation, stating: *"as a board, we have to go through the variance criteria, make sure that it meets each of the criteria."* (Page 17, Transcript). Yet when pressed, the applicant candidly admitted, *"I don't have the list in front of me."* (Page 17, Transcript). Instead of addressing each factor with evidence, the applicant proceeded with a narrative based on generalized assertions, such as the lot's shape and the presence of Bayfront Parkway, without providing professional surveys, hardship analyses, or alternatives studies. This is inadequate under Florida law, which requires applicants to prove each variance element with competent, substantial evidence. See *Maturo v. City of Coral Gables*, 619 So.2d 455 (Fla. 3d DCA 1993) (holding that self-created conditions do not constitute hardship). By proceeding without reference to or

analysis of the governing criteria, the applicant failed to meet his burden, and the Board erred in granting the variance on such an insufficient record.

B. Unequal Treatment of Written Statements Violated Fundamental Fairness

The Architectural Review Board compounded its procedural errors by accepting into the record unsworn written statements of support offered by the applicant, while simultaneously discrediting and refusing to give weight to a petition signed by multiple members of the community in opposition. As reflected in the transcript, the applicant was permitted to read letters from absent supporters into the record, and the Board accepted these documents as "evidence," even though they were **hearsay, unsworn, and not subject to cross-examination**. By contrast, when presented with a petition signed by neighborhood residents, the Board dismissed its probative value, questioning whether signatures were informed or valid, and ultimately refusing to accord it any weight.

This disparate treatment violated fundamental fairness. There was no evidentiary assurance that the letters introduced by the applicant were written by the individuals named or reflected their genuine, informed views—yet they were treated as competent evidence. Conversely, the Board refused to recognize a community petition that bore actual signatures of identifiable residents. In quasi-judicial proceedings, due process requires that evidence be admitted and weighed consistently, and that both sides be afforded equal opportunity to present their case. See Lee County v. Sunbelt Equities, II, Ltd., 619 So.2d 996

(Fla. 2d DCA 1993). By crediting one-sided, unsworn hearsay while discrediting community opposition expressed through a petition, the Board arbitrarily skewed the evidentiary record in favor of the applicant. This selective acceptance of evidence undermines the integrity of the proceeding and further demonstrates that the decision was not based on competent substantial evidence.

C. No Staff Findings

The record reflects that there was no evidence or testimony from City Planning staff evidencing any review or recommendation of approval, nor was there any evidence that staff conducted an analysis or found that the application satisfied the required variance criteria. Likewise, the applicant provided no testimony or evidence addressing each of the individual variance standards but instead relied solely on his own narrative and request for relief. The ARB's decision, therefore, was based entirely on the applicant's assertions rather than on competent, substantial evidence grounded in professional planning review or accepted land use practices.

D. No Findings of Fact

Compounding this deficiency, the Architectural Review Board issued no written findings of fact connecting its decision to the variance criteria. The transcript shows no motion or resolution that articulated how the applicant satisfied the required factors; rather, the vote occurred without detailed discussion or reference to the standards. Florida courts have made clear that the

absence of findings is reversible error. In *City of Apopka v. Orange Cnty.*, 299 So.2d 657 (Fla. 4th DCA 1974), the court held that quasi-judicial bodies must articulate findings of fact sufficient to permit judicial review; otherwise, their decisions are arbitrary and capricious. Similarly, in *Lee County v. Sunbelt Equities, II, Ltd.*, 619 So.2d 996 (Fla. 2d DCA 1993), the court stressed that unsworn assertions and conclusory statements cannot substitute for competent evidence tied to statutory criteria. Courts emphasize that quasi-judicial decisions must produce a record sufficient for judicial or appellate review. The absence of staff reports, findings of fact, sworn testimony, or analysis tied to criteria deprives reviewing bodies of the ability to determine whether standards were met. Here, the ARB's failure to adopt findings deprived Petitioners of the ability to understand the basis of the decision and deprive City Council of a record adequate for review. This omission alone warrants reversal.

V. SUBSTANTIVE FAILURES TO MEET VARIANCE CRITERIA

Under Florida law, a variance is an extraordinary remedy granted only when the applicant demonstrates with competent, substantial evidence that each statutory and code-based criterion is satisfied. See *Bd. of Cnty. Comm'rs of Brevard Cnty. v. Snyder*, 627 So.2d 469 (Fla. 1993). The applicant carries the burden of proof, and failure to meet even one element requires denial. The transcript of the August 21, 2025 hearing reflects that Board members were aware of this duty, yet proceeded with unsupported narrative testimony rather

than competent evidence tied to each factor. This omission, compounded by the Board's failure to make written findings, renders the variance approval unlawful.

§ 12-11-2(a)(2) of the Land Development Code establishes the criteria which must be met for approval of a variance which must not be "contrary to the public interest" and when a literal enforcement of the provisions of the Code would result in "unnecessary and undue hardship." Pursuant to this section, the ARB must make specific findings on each of the following criteria:

1. That 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;

2. That the special condition and circumstances do not result from the actions of the applicant;

3. That 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;

4. That 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 cause unnecessary and undue hardship on the applicant;

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

6. That 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;

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.

A. <u>Hardship Not Established</u>

Here, the applicant argued that the triangular configuration of the lot and the presence of Bayfront Parkway setbacks created a hardship justifying relief. He also pointed to existing non-conforming structures as precedent for granting similar treatment. However, Florida courts have held that hardship cannot be established by self-created or foreseeable conditions. In *Maturo v. City of Coral Gables*, 619 So.2d 455 (Fla. 3d DCA 1993), the court rejected a claim of hardship where the owner purchased a constrained parcel knowing its limitations. It found that variances could only be granted for unique hardships, distinct from those of adjoining property owners in the same zoning district, and which arose from circumstances peculiar to the realty alone and **unrelated to the conduct or to the self-originated expectations of any of its owners or buyers**. Courts have held that a legal hardship will be found to exist **only** in those cases where the property is **virtually unusable or incapable of yielding a reasonable return** when used pursuant to the applicable zoning regulations.

Here, the applicant is seeking to develop the property under contract with full knowledge of its shape, zoning, and setback requirements. The transcript shows no professional evidence—such as a planning or engineering report—substantiating that the lot's configuration rendered compliance impossible. Instead, the applicant relied on generalized statements and his preferred design. This does not satisfy the hardship standard under Florida law.

B. Minimum Variance Not Demonstrated

Further, the applicant sought to reduce the rear setback from 20 feet to 9 feet and the front setback from 15 feet to zero at upper levels. Yet no evidence was presented to show that these reductions represented the "minimum variance necessary" to afford relief. See LDC §12-11-2(a)(2)(5). The transcript contains no testimony addressing why alternative designs—such as reducing the unit count, adjusting building mass, stepping back upper floors, or redesigning the footprint—were infeasible. Instead, the applicant pressed forward with a preferred design without analysis of less intrusive options. The application itself notes that there is an existing buildable footprint of 3,485 square feet. Application attached as **Exhibit B**.

Florida courts have held that variances cannot be granted for convenience or preference; the applicant must prove that lesser adjustments are inadequate. The absence of such evidence here, and the applicant's own evidence that there is a buildable footprint of 3,485 square feet, demonstrate that the minimum variance standard was not met.

C. *Incompatibility with District*

The applicant also failed to establish compatibility with the Historic District, particularly the Wood Cottages subdistrict where small-scale detached residential development sets the prevailing character. See LDC §12-3-10. When confronted with significant neighborhood opposition, the applicant conceded: *"Obviously, the group … feels very differently."* (Page 20, Transcript). The

transcript reflects that numerous residents spoke against the project, citing its excessive scale, massing, and inconsistency with historic character. No professional evidence—such as an architectural compatibility study or district analysis—was introduced to rebut these concerns. There was no testimony from staff addressing the compatibility with the district. In fact, there was no presentation by staff related to findings on any of the enumerated criteria or on any of the applications. Instead, the applicant relied on subjective assurances and a handful of letters of support. This does not constitute competent, substantial evidence of compatibility. Florida law requires that new development harmonize with surrounding uses; where opposition is supported by credible, site-specific testimony and no contrary expert evidence is offered, the applicant's burden is not met.

D. Insufficient Evidence on Public Welfare

Finally, the applicant failed to demonstrate that the proposed variances would not be detrimental to public welfare. The only evidence offered on property values was a single letter constituting unsworn, hearsay and not subject to cross-examination from a real estate broker claiming that the project would raise neighborhood values. Against this, multiple residents testified under oath about the likely adverse impacts on property values, traffic congestion, safety, and quality of life. The transcript shows that the ARB did not weigh this conflicting testimony or require additional evidence from the applicant. Florida courts have held that conclusory statements or isolated letters of support do not

rise to the level of competent, substantial evidence. See *City of Apopka v. Orange Cnty.*, 299 So.2d 657 (Fla. 4th DCA 1974). By relying on such scant evidence while disregarding substantial neighborhood testimony, the ARB erred in concluding that the public welfare criterion was satisfied. Again, there was no testimony or any evidence presented in the record establishing this criterion was met.

Together, these deficiencies—failure to establish hardship, failure to prove the minimum variance necessary, failure to demonstrate compatibility with the district, and failure to show no detriment to public welfare—demonstrate that the variance application did not meet the legal standards required by the Land Development Code and Florida law.

VI. DEMOLITION AND CONCEPTUAL APPROVALS ARE TAINTED

The demolition and conceptual approvals granted by the ARB cannot be sustained because they are inseparably tied to the variance proceeding, which itself failed to comply with Florida law and the City's Land Development Code. The variance was heard and decided first—over the applicant's own objection that such sequencing was illogical—and that premature ruling became the predicate for all that followed. Without a valid variance, the proposed site plan and massing on which both the demolition and conceptual approvals rested collapse entirely.

In addition, the demolition and conceptual hearings were conducted on the same defective record: unsworn testimony, denial of cross-examination,

restrictions on public comment, and unequal treatment of evidence. Because the demolition and conceptual approvals depended on the Board's acceptance of the very same unsupported narrative and hearsay offered in the variance case, they are fundamentally tainted.

Where one approval rests upon an unlawful foundation, subsequent related approvals are likewise invalid. Here, because the variance proceeding violated both due process and statutory criteria, the later demolition and conceptual approvals must also fail. In the interests of justice, all three approvals must be vacated and reheard *de novo* under proper quasi-judicial and legislative procedures.

VII. CONCLUSION

The Architectural Review Board's decision approving variances, demolition, and conceptual review for 627 East Government Street cannot stand. The record demonstrates pervasive procedural violations—including reliance on unsworn testimony, denial of cross-examination, improper sequencing of applications, and arbitrary restriction of public comment—that deprived Petitioners of fundamental due process. The ARB further undermined fairness by accepting unsworn hearsay letters from the applicant while refusing to accord weight to a petition signed by actual residents, skewing the record in favor of the applicant.

On the merits, the applicant failed to satisfy the controlling variance criteria: hardship was not established under *Maturo v. City of Coral Gables*; no evidence showed that the requested setbacks were the minimum necessary; compatibility with the Historic District was not proven; and the only evidence on public welfare was a single broker's letter, constituting hearsay and unable to be subjected to cross-examination, plainly insufficient to constitute the competent and substantial evidence required by law. Compounding these deficiencies, neither Staff nor the Board issued findings of fact tied to the statutory criteria, contrary to *City of Apopka v. Orange County*, thereby leaving this Council and the courts without a lawful basis to review its determinations.

Further, the ARB failed to create an adequate record for review, as there was no presentation or testimony of any staff analysis, planning reports, or written findings necessary to support judicial scrutiny. The decision is also inconsistent with the Comprehensive Plan and Historic District Guidelines, which require new development to preserve and enhance neighborhood character—an obligation ignored here in favor of approving a three-story multifamily structure without compatibility studies or staff evaluation. By deferring to the applicant's narrative rather than requiring competent professional evidence, and by selectively crediting unsworn letters of support while dismissing a petition of opposition and discouraging testimony, the ARB compounded its violation of fundamental fairness and equal protection.

The Board also misapplied the burden of proof, granting extraordinary relief where the applicant failed to demonstrate that even a single variance criterion was satisfied. Florida law makes clear that without competent, substantial evidence of each required factor, a variance must be denied. To grant one here, and the subsequent demolition and conceptual approvals, not only erodes the integrity of the City's land-use process, but also sets a dangerous precedent for granting special privileges.

In short, the ARB's decision was arbitrary, capricious, unsupported by competent substantial evidence, and inconsistent with the City's planning framework. Petitioners respectfully urge the City Council to vacate each decision in its entirety and require the applicant to proceed *de novo* under proper quasi-judicial and legislative procedures that honor due process, apply the variance criteria faithfully, comport with the LDC and Comprehensive Plan, and afford all affected residents a fair and meaningful opportunity to be heard.

VIII. RELIEF REQUESTED

WHEREFORE, Petitioners, by and through undersigned counsel, move this Council to:

1. Vacate and reverse the ARB's approval of the variance, demolition, and conceptual review; and
2. Grant a rehearing *de novo* on all applications related to 627 East Government Street; and

3. Direct that any future hearings on the variance strictly comply with the requirements of quasi-judicial due process, including but not limited to:
    a. the swearing of all witnesses under oath,
    b. the opportunity for cross-examination of testimony,
    c. equal treatment of evidence offered by all parties, and
    d. the issuance of detailed written findings expressly tied to the governing criteria of the Land Development Code.

Only through such corrective action can this Council restore integrity to the process, protect the rights of affected residents, and ensure that the historic character of the Pensacola Historic District is preserved in accordance with law.

Respectfully submitted,

s/Meredith D. Bush
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by electronic mail via to the Clerk of City Council and to the Office of the City Attorney and to the Applicant, Brian Spencer, on this 5th day of September, 2025.

/s/Meredith D. Bush
MEREDITH D. BUSH

EXHIBIT A

AUDIO RECORDING

CITY OF PENSACOLA

ARCHITECTURAL REVIEW BOARD MEETING

THURSDAY, AUGUST 21, 2025

TRANSCRIBED BY: MELISSA EICKEN

ERICK MEAD: All right. Madam secretary, what do we have next on the agenda?

ADRIANNE WALKER: Thank you, Mr. Chair. The next item is 627 East Government Street. This is Pensacola Historic District, Zone HC-1, City Council District 6. This is for a variance. Brian Spencer seeking approval to reduce the rear yard setback on Bayfront Parkway from 20 feet to 9 feet from the property line to allow a building height of 34 feet and to reduce the front yard setback on Government Street from 15 feet to 0 feet at the street edge.

The next agenda item is demolition of the noncontributing structure followed by conceptual review of the proposed new development. Mr. Brantley has recused himself again and will for the next few items.

It's up to you how you want to handle any speaker requests. You do have the variance criteria in front of you, if you want to reference that. And we have our applicant, Mr. Spencer, here, and with that, I will turn it over to you, Mr. Chair.

ERICK MEAD: Looking through the speaker requests, we have -- it looks like all of them wish to speak to the -- the variance. Some wish to speak to all three. So I think we probably will have plenty of

speakers here on all these points. I think with that understood, I think we're going to address the time limitations, because we have a number of people here, and we want to make sure everybody gets heard. So I think we're going to have on those items 3 minutes per speaker. So the secretary will keep track of that for me, if you will.

I understand we have the variance criteria. I did have one question prefatory to going into the variance issue, and that is as to the allowed uses for this parcel. I understand this is, at least from the other thing, the conceptual proposal is some manner of multi -- multi-family residence. What are the actual permitted uses on this parcel? Can you summarize those?

ADRIANNE WALKER: Multi-family is allowed in this zoning district. And typically use is not necessarily under the ARB jurisdiction.

ERICK MEAD: No. I just want to know what -- what the -- what the alternatives for development are because it goes into some of the hardship criteria and in comparison with some of the other issues about impact on the neighbor.

ADRIANNE WALKER: So give me a moment. It's zoned HC-1 which is the historic commercial

district. So from a cumulative standpoint, it allows anything in the HR-2 district which also allows anything in HR-1. So it's pretty much well open for Pensacola Historic District. But in terms of residential use, you can have single family, you can have duplex, but also multi-family, like what is being proposed, and then a variety of commercial uses.

ERICK MEAD: And the existing use is commercial.

ADRIANNE WALKER: Correct.

ERICK MEAD: All right. Thank you very much. Do we have the applicant here to speak to the -- to the application? Yes. Please.

BRIAN SPENCER: Thank you. Thank you, Mr. Chair.

ERICK MEAD: Can you state your name for the record and tell us --

BRIAN SPENCER: Yes, I will.

ERICK MEAD: Tell us about the proposal.

BRIAN SPENCER: My name is David, and that's Goliath. My name is Brian Spencer. And I reside at 4040 Dunwoody in Pensacola. I have my architecture offices, the firm SMP Architecture, located at 205 East Intendencia in the Seville Historic District. And Mr. Chair and members, may I

ask -- I really -- procedurally, I just want to make sure I take the proper steps for -- admittedly, I thought the first one was going to warm us with a -- warm me up as well with the demolition request for a noncontributing structure. I didn't know I was going to go straight into the -- to the variance matter. So I'm kind of warming up.

ERICK MEAD: Well, the -- what I have on the agenda has got the variance listed first, and then the demolition, and then the conceptual review. I -- I don't know if there's a particular order from the staff perspective that needs to be taken up. And these are all the same application -- same applicant; correct?

ADRIANNE WALKER: That is correct, and I would have to defer to Greg. I don't know if procedurally it has to be in a certain order.

GREG: No. I mean --

ADRIANNE WALKER: Just the order it happened and --

GREG: This -- this is typically the order we've taken it, but there's nothing that says you can't --

BRIAN SPENCER: All right.

GREG: -- move things around.

BRIAN SPENCER: Because my feeling is, if a demo isn't approved or -- then there's no reason to talk about a variance.

ERICK MEAD: Well, seeing that we have a variance here, and everybody wants to speak to the variance, and some people don't want to speak to the other items --

BRIAN SPENCER: Got it.

ERICK MEAD: -- let's go with the variance first. And that way we'll -- we'll save time, hopefully.

BRIAN SPENCER: Then, Mr. Chair, as I understand, I have those that couldn't attend. Ms. Walker shared with me a procedural matter that I -- I must follow in terms of me being able to speak as other representatives and on behalf of the variance.

ERICK MEAD: Can you enlighten me a little bit on what you're talking about?

BRIAN SPENCER: I'll let -- I'll let Adrianne talk.

ADRIANNE WALKER: Mr. Spencer has people who support his project who weren't able to attend. So in that case, a representative is allowed to share by providing their 3-minute commentary. We've allowed

that before where somebody's maybe e-mailed a statement to someone, and they came on their behalf.

ERICK MEAD: Yeah. That's --

ADRIANNE WALKER: There's nothing that says Mr. Spencer can't --

ERICK MEAD: No.

ADRIANNE WALKER: -- share that information.

ERICK MEAD: That's perfectly appropriate. But we'll hold that for the public comment period after we're done with your presentation and the board's discussion. And then we'll -- we'll see --

BRIAN SPENCER: Right.

ERICK MEAD: The other question has to do with the variance is a quasi judicial process which means that we -- we sit in a different capacity than we do in a number of other settings. We have to hear evidence to support the -- the factors set forth in the ordinance and to make a determination on that basis. The role of the public in that regard is limited. Only in terms of presenting relevant evidence to those proceedings. The comments beyond things that would be evidentiary in nature about the factors of the variance, and if anybody has a question about that, I'm sure we have extra copies of what

those are, that they would like to offer evidence on.

So just for reference, and those who are anticipating speaking about the variance process, it's going to have to be limited to those factors that you can provide evidence on as to the application. Otherwise, we step beyond our role. This is not a -- it's not a popularity contest variance, it's a quasi judicial proceeding.

And, so with that understanding, I -- the same caution would go to the applicant with regard to those comments. They would have to be evidentiary and character speaking, specifically to elements of the variance. Certainly, other comments can be received in passing, but the focus needs to be on the evidentiary character of the submission, so. With that, if you would, please.

BRIAN SPENCER: Thank you. Thank you, Mr. Chair. As a former member of the ARB, I recognize the responsibility that all of you have today as you listen to the applicant as well as those that may have other points of view regarding the support or not support of this variance request. I will -- I would like to emphasize, if you have not been there to the site, if you have not visited it, sometimes you have the opportunity to do so. This is what I would

consider objectively to be a very unique-shaped site with the triangle -- triangle configuration that has been affected decades ago by Bayfront Parkway.

Most importantly, I would never come before you today as I am seeking this continuation or the variance request if there had not been an existing building that has been here for decades. Mr. Prince Derek can offer, perhaps, some -- shed some light on how long that building, which -- if you refer to what is on the screen right now, you can see the -- the grey overlay is the existing building which currently has in LDC or I should say code parlance existing noncomplying conditions. And that is very important in the context of this variance request in that I am proposing a building to replace this that extends 13 -- approximately 13 more feet to the east within this same building set -- front building setback variance request.

The two elements on the left and the west and the east are stepped back and do not fall within the setback requirement for this property. So I'm seeking the continuation somewhat of a wall, if -- if you all have seen it, but. I know later on, Adrianne and staff, they will see photographs of that East Government Street facade, and I certainly invite you

to take a look at that in the context of this request. But number one, both the rear yard setback, building setback, and the front yard setback are currently in violation with the existing building. I think that's just so important in the context of this and recognizing again -- anyway, I will continue.

Also, there are -- there's a condition where the buildings that are to the west of this have a greater -- they are in closer proximity to Bayfront Parkway than the building that is being proposed, so. The grey is showing, again, the existing, and the other one -- overlay -- is the one we are proposing. I think that staff has done an excellent job. I don't know if other members of the audience can -- can read it very clearly, but the -- the gold delineation, very small on the dimension, Ms. Walker asked me to make sure we showed that dimension so that you could see, again, the existing building is how far from the brick wall, Adrianne.

ADRIANNE WALKER: It's 11 feet.

BRIAN SPENCER: 11 feet. Right. And the other one on that same southeast corner, the proposal is approximately 11 feet as well. It follows that. So we are not asking for you to approve the building on the southeast corner, which I consider to be kind

of the gateway. The -- the front of the building that you see approaching from the bridge. There are other buildings along east Government that have this condition, approximately four, that abut the sidewalk. Our proposed building actually steps back on the ground floor. This is -- I -- the -- some people I know are here opposing this project as well as some people that represent the Seville Neighborhood Association provided, I think, some very valid points and concerns. They are -- and I have reacted to those items by providing, for instance, today, showing more clearly that garage door openings are 8 feet from the street edge. The building itself at the ground level is 4 feet from the sidewalk edge providing for -- and that is further back than the existing building. And the existing building. We are showing -- and Mr. Chair, I don't know if this is drafting away from the variance, but these were --

ERICK MEAD: So far I'm tracking with --

BRIAN SPENCER: Okay.

ERICK MEAD: What you're saying.

BRIAN SPENCER: Thank you. Thank you. So there were comments and concerns that landscaping had been removed. This proposed project provides 3,230 square feet of landscaping, whereas, the

existing building and parking has 2,750. So this provides more landscaping providing more -- and that's not counting what the Seville property owners association had commented their concern about the amount of paving, and what I just stated does not include the additional grasscrete -- that sort of grass concrete paving area of 1,650. Yes.

UNIDENTIFIED FEMALE: I don't mean to be ignorant of this, but what is grasscrete.

BRIAN SPENCER: It is -- I'm trying to think where maybe where you've seen it. It's a combination of -- it's like checkered -- it's concrete and -- and grass grows in between --

UNIDENTIFIED FEMALE: Oh, okay.

BRIAN SPENCER: -- it.

UNIDENTIFIED FEMALE: Okay.

ERICK MEAD: The --

UNIDENTIFIED FEMALE: Permeable.

BRIAN SPENCER: Yes.

ERICK MEAD: So the -- the landing elements, though, I think are those really fitting into your variance issues or no?

BRIAN SPENCER: No. That's why I --

ERICK MEAD: Okay. Yeah. Yeah. That's fine. I don't -- I think the landscaping right now --

BRIAN SPENCER: But I do want to show that the request for variance does not -- Mr. Chair, minimize or in fact, take us to a point where we can't do abundant landscaping, and in fact, meet LDC's side yard landscaping area which ironically if you'd please just go back to that, which if this building remains commercial and say if it becomes another use, that landscape area on the west side is not required for an adjacent commercial use, but it is for multi-family.

ERICK MEAD: All right. That -- that's relevant.

BRIAN SPENCER: Okay. We are not seeking any height variances. The building next to this -- to the west is -- is taller than this proposed building. And most importantly, again, for you -- for the members that don't know this, this is at the very end of east Government where it basically -- well, it literally dead ends into FDOT arteries. South 9th Avenue used for port traffic, and Bayfront Parkway which is also an FDOT right-of-way. I do -- I think -- Adrianne, if -- if you -- I do think it's pertinent to the variances, please, if it's easy to pull up the recently added garage relationship on Baylen lofts, and those of -- okay. Okay. Next.

ERICK MEAD: Just for clarity.

BRIAN SPENCER: Okay.

ERICK MEAD: This is a different structure.

BRIAN SPENCER: Right.

ERICK MEAD: So what is the purpose --

BRIAN SPENCER: The purpose of this, Mr. Mead, is to show, again, relationship of frontality of building to adjacent -- immediately adjacent sidewalk and distances.

ERICK MEAD: Okay.

BRIAN SPENCER: And this was -- this was a project previously reviewed and approved by the architectural review board.

ERICK MEAD: All right. Thank you. What else?

BRIAN SPENCER: I think that's it. I'm going to take a sip of water. I -- by the way, this project I'm not presenting on behalf of Mr. Kerrigan or owners of that. I have this building under contract. I'm not representing the current ownership for their intention to do this if I -- I have a 30-year history as an architect and developer in Pensacola. I'm proud to say I've tried and done my best to do nothing but lead positive impact, particularly the downtown area and historic area. My most recent project that won an AIA award is the train

canopy over the UWF train cars at Zarragossa. I was -- although, I've seen a petition describing perhaps a different Brian Spencer that I don't know, I've intentionally and very deliberately tried to be as sensitive as I can be to the what is the next to a building that is quite different than what would be called the Seville Wood Cottage District because it's in an SSD site specific development. But this site is sort of the -- I hope -- I don't mean to say Bermuda Triangle, but the Seville triangle, and it is the -- the very, very end --

ERICK MEAD: All right.

BRIAN SPENCER: -- and, you know, I've fought for years when I was on city council to reopen it, to make it a friendly pedestrian connection, found out that's not a popular idea.

ERICK MEAD: Okay. With that, I have a question for staff on that last point, if I may. So the -- for instance, in the -- in the photo that we see here, the buildings behind the proposed structure are in the SSD for Crown Cove? Is that right?

ADRIANNE WALKER: That's correct. Crown Cove is to the --

ERICK MEAD: Technically, it's its own zoning district.

BRIAN SPENCER: To the west.

ADRIANNE WALKER: That's correct. So Crown Cove has its own setbacks.

ERICK MEAD: And, so to I -- to be clear, in respect of the overall zoning adjoining this, it is sort of an in an island on its own; is that right?

ADRIANNE WALKER: We'll double check that really quickly. I can show you all the zoning.

ERICK MEAD: At least on that street frontage. I mean, that's what we're talking about.

ADRIANNE WALKER: So you see the aerial that's still showing up.

ERICK MEAD: Right.

ADRIANNE WALKER: That's Crown Cove which is a site specific development that's platted with different setbacks.

ERICK MEAD: Right.

ADRIANNE WALKER: So it is directly adjacent, and then everything else you see in purple, though, is the -- HC-1.

ERICK MEAD: But it's cut off by the SSD from the balance of the district on that street frontage; is that right?

ADRIANNE WALKER: Can you repeat that?

ERICK MEAD: I said, the project parcel is

cut off by the SSD from the balance of the historic district on that street frontage.

ADRIANNE WALKER: That wouldn't really be my place to make that.

ERICK MEAD: No. I'm suggesting it intervenes. I mean, there's -- yeah. There's no -- there's no adjoining property that's within the district.

BRIAN SPENCER: Correct.

ADRIANNE WALKER: Correct.

ERICK MEAD: Okay. Thank you. Board members, questions for the applicant?

YURI RAMOS: I guess, I have one question, Mr. Chair, if I may.

ERICK MEAD: Certainly.

YURI RAMOS: Mr. Spencer, I -- I don't think you went -- you know, as a board, we have to go through the variance criteria, make sure that it meets each of the criteria. I know that you've submitted it. I didn't know if you wanted to go through them. I can certainly just read on my own, but I wasn't sure that you -- if you wanted to hit them.

BRIAN SPENCER: I don't have the list in front of me.

YURI RAMOS: Okay.

BRIAN SPENCER: Thank you. I can -- I can try as a narrative. Going point by point, if you would like.

YURI RAMOS: It's -- it's your application, so it would be up to you.

BRIAN SPENCER: Okay.

YURI RAMOS: You know, I just feel like when there's contention --

BRIAN SPENCER: Sure.

YURI RAMOS: -- I try to stay programatic so we can hit the bullet points of the -- the items, you know, the reasons why a variance should be approved by this board, and you know -- and your explanation on those, I feel like that would help --

BRIAN SPENCER: Absolutely.

YURI RAMOS: -- everyone in the room.

BRIAN SPENCER: Yes. Thank you. Number one, the special conditions and circumstances exist are peculiar to the land structure to the land, comma, structure or building involved which are not applicable to other lands, structures or buildings in the same zoning district. I think what's important there is, it's not and -- and it's or, and I would contend that this, absolutely, has special conditions, given the -- the peculiarity of the land shape as well

as the -- in terms of what Mr. Mead just mentioned as it abuts a completely different zoning district with different setbacks and does not have a contiguous zoning continuation of the Seville Historic District that moves on to the east.

It is a -- so I believe very much that land -- that number one is met, that the special condition and circumstances are not the result or the actions of the applicant. Absolutely. I have not carved up the land. I have not changed the configuration of it. I did not invite or invent some of those peculiarities. Granting the variance request will not confer on the applicant any special privilege that is denied by this title to other land, buildings or structures in the same zoning district. I believe that because that building, in fact, does have and will remain in its current condition with the non -- again, the legal term or -- is existing noncompliant.

ADRIANNE WALKER: Existing, nonconforming.

BRIAN SPENCER: Nonconforming. That's right. I'm turning it more into a behavioral term. Nonconforming conditions that I am not then bringing that to this project. Therefore, getting an additional privilege. The literal interpretation of this title would deprive the applicant of the rights

commonly enjoyed by other properties in the same zoning district under the terms of the title and would work unnecessary and undue hardship on the applicant. I believe that in order to do the -- a project that in this scale still meets the intent of the Seville Historic Wood Cottage District providing for the amount of open space that I am not -- that -- again, that is providing me not any special -- special privileges. Variance granted is the minimum variance that will make possible the reasonable use of the land building or structure. If I was seeking a height variance, I believe that that would violate number five, but otherwise, I believe that the minimum variances will provide -- that I am seeking will provide reasonable use of the land. The granted variance will be in harmony with general intent and purpose, will not be injurious to the area involved or otherwise detrimental to the public welfare. Obviously, the group that's sitting behind me to the left feels very differently about that. I do not in any way feel that the view corridors that I have not impending on any public access, and in fact, I would argue that I am providing something that is more enjoyable in terms of visually and not providing or imposing, I should say, something that is

non-harmonious to the Seville Historic District, that the variance will not constitute any change in the district zone and the zoning map will not impair an adequate supply of light and air to adjacent property. I -- I dare to say that this is injurious in terms of reducing the amount of air or light. If you look at the Crown Cove properties, the latest house that was built, I think they have about 6 feet of separation between those houses, whereas, this provides, again, ample -- ample supply of light and air to adjacent property. The only adjacent property is the one to the west, the newer white stucco under construction. Will not increase the congestion of public streets. In fact, while this district has zero off street requirements, for instance, many other uses could go there that would have a higher traffic and impact. This is providing parking on the site while -- and the spaces that are on street, I have met with city staff when we have a drawing that shows that those two spaces, the 62 feet indicated on the upper right, those shift slightly to the east, and we -- there is zero reduction, and instead, additional parking on the site.

The current use is an office, and although, now those attorneys have retired, most of them,

there's no reason that something else, another office building could -- could be built there with a much higher traffic count. I do not believe this is increasing in any way the danger of fire. It will not diminish or impair established property values, and I have a letter from a respected real estate broker who contests what was stated in the petition that this project will diminish neighboring property values. I will enter that to the record at the proper time.

ERICK MEAD: This will be the appropriate time.

BRIAN SPENCER: Would this be the appropriate time?

ERICK MEAD: Sure.

BRIAN SPENCER: Thank you. Since I'm addressing -- all right. All right. This is one of the letters of support. Ms. DeeDee Davis could not be here. To the chair and members of the architectural review board, I am DeeDee Davis, broker/owner of NAI Pensacola located at 24 West Chase Street. I've worked in the Pensacola real estate market for many years including downtown and within the Seville Historic District. I have reviewed the petition, circulated in opposition to the project at 627 East Government. I feel it is important to correct a false

impression that this project would somehow diminish surrounding property values. Specifically, I support the applicant's request for the stipulated building setback variances, the demolition of the existing noncontributing structure, and the conceptual design approval of the proposed new building.

In my professional judgment, replacing a noncontributing structure with a new architecturally compatible building will enhance the overall desire ability and value of nearby properties. Well-designed infill of this kind is proven to strengthen historic neighborhoods by raising standards of design and contributing to a sense of stability. Concerns about declining property values are unfounded. The market consistently rewards high quality architecture. Thank you, DeeDee.

Sensitive redevelopment and investments that improve the streetscape, all of which this project provides. As a broker who understands both the historic district and the broader Pensacola market, I can state with confidence that this project will positively impact neighboring values, not harm them.

ERICK MEAD: Thank you. Are there any other points in the list that you wanted to go over?

BRIAN SPENCER: No, sir.

ERICK MEAD: Are there any other comments, because this is one of the things I'm going to be careful with regard to all of the public comments as well, but in the comments that you were given to -- to render, are there any else like that one are speaking to an evidentiary point on an item of the variance that was speaking specifically to an impact on property values? Obviously, are there others that are of that character that speak to a factor or element in the variance criteria that we should hear?

BRIAN SPENCER: They all seem to have -- Mr. Chair, a -- a theme of the -- the general, the -- their approval, enthusiastic approval, of how the building architecturally fits in. So that would be the -- you know, the granting of the variance would be in harmony with the general intent and purpose. I mean, there -- I have 10 of them. And I do plan -- these people took the time to write the letters, so I will be reading them.

ERICK MEAD: I will -- I can -- I think we can receive those for the record, understanding their general character. I was wondering if there was anything more specific such as the one from the broker on some other point other than the general, harmonious

nature of the architectural impact.

BRIAN SPENCER: One -- one says here, the project, it elevates the historic district by introducing architecture. It is compatible, thoughtful, enduring. All of them specifically state -- I wanted to make sure they knew they would be entered into the record. I would be reading them. Every one of them specifically states, as they reviewed the packages, their approval of the variance request. That is in the body of every letter.

ERICK MEAD: And I -- I appreciate that. I certainly think we should receive them into the record for purposes of that characterization. Unless there's some objection from the board, I would ask that we receive them into the record for purposes of documenting what you've said. In the interest of time and not avoiding any -- a needless duplication of those points, although, obviously, that goes to some weight, I would ask that we proceed in that manner. Is there any objection to that?

BRIAN SPENCER: No. But I would -- I mean, the brief -- I definitely -- these are hardworking professionals. People are out of town. I'm not saying these are not hardworking professionals. There are some people here, but they wrote the letter with

the full expectation that their voices would be heard.

ERICK MEAD: That's fine. Madam secretary, is there a -- is there a precedence to which approach we should take?

ADRIANNE WALKER: I don't believe there is. I might defer to Kia, if you have an opinion on it. I -- I encouraged Mr. Spencer if he was going to be the representative for people that bring it and be ready to share it, but also have the copies --

ERICK MEAD: Right.

ADRIANNE WALKER: -- if we want to distribute them to you, and I need them, too, for the minutes.

ERICK MEAD: Right.

BRIAN SPENCER: Right. I -- I was told definitely I have them all signed, and that I would have a chance within the time allotment given to each person to read the letter.

ERICK MEAD: Well, I have no objection to reading the letter. I just -- in the interest of time, I wanted to make sure that we're not going to -- given the number of people who are going to --

BRIAN SPENCER: Yeah.

ERICK MEAD: -- potentially be presenting evidence, but please go ahead and present however you

would like to present it.

ADRIANNE WALKER: And if I may, I'm going to keep time. He's -- he -- the chair stated that everybody will get 3 minutes. I apologize, I didn't get that on the first letter, which I think it was within 3 minutes, but I'll keep time --

BRIAN SPENCER: I was trying --

ADRIANNE WALKER: -- for these as well.

BRIAN SPENCER: Okay. This --

ERICK MEAD: And in fairness, that was an answer to my question about it, so.

CHRIS CARROL: (Inaudible).

ERICK MEAD: There are --

BRIAN SPENCER: There are some --

ERICK MEAD: There's a request -- just for the record, there's a request from -- what is your name, sir?

CHRIS CARROL: Chris Carrol.

ERICK MEAD: Mr. Carrol has asked that there -- some indication of residence be given in respect to those supporting documents. The documents are going to speak for themselves. They're going to be received into the record. I'm going to let Mr. -- Mr. Spencer speak to --

CHRIS CARROL: Because I feel like -- we

all feel like (inaudible).

ERICK MEAD: Ma'am -- sir, you're going to have the opportunity to speak to whatever you wish to speak to when we get to that point, if it's relevant to the variance criteria. I think your point is well taken. The -- the documents are going to identify who they are and where -- where they're from, if they show them. Mr. Spencer.

BRIAN SPENCER: Yes. And -- and I would like to address the -- the gentleman --

ERICK MEAD: Please.

BRIAN SPENCER: -- through you. Yeah. I -- I understand completely. There was just one that was a real estate professional that -- the rest remain -- are I think in the neighborhood --

ERICK MEAD: All right.

BRIAN SPENCER: -- and their evidence will be evident.

ERICK MEAD: All right. Carry on.

BRIAN SPENCER: All right. Thank you. To the chair and members of the architectural review board, my name is Rafael Simpson, and I live at 435 East Zarragossa, just a short walk from the project site at 627 East Government. In addition to being a neighbor, I'm an owner of two Pensacola businesses,

Harry Roy, a downtown establishment at South Palafox and Haus of Hue furnishings and design store at 9th Avenue. I support this project because it removes a building that has no historic or architectural value and replaces it with design that respects the scale and rhythm of the Seville Historic District. The new building will enhance the streetscape of East Government Street and contribute positively to the neighborhood that I -- the neighborhood that I both live in and care about deeply.

Specifically, I support the applicant's request for the stipulated building setback variances, the demolition of the structure, and the conceptual design that's being presented for the proposed new building. As a businessowner, I understand the importance of maintaining high standards of design in our community and the district. This project does exactly that. It elevates the historic district by introducing architecture that is compatible, thoughtful, and enduring. I -- I respectfully encourage the board to approve this application. I'm trying to read as fast as I can.

ERICK MEAD: Mr. Spencer, one moment. I -- do we have an extra copy or copies of the variance criteria?

ADRIANNE WALKER: Yes.

ERICK MEAD: I would ask staff while we are listening to your submissions, on those points and on the variance criteria you've identified, that we circulate the variance criteria among those who have entered a -- a request to speak, so that we understand that when I call you for your particular presentation, that you will be able to identify the item or items on the variance list to which you believe your -- your testimony will be relevant. And that you identify that when you get -- get up to speak and when you are called. So I'll ask that, that be circulated among the audience so you can be familiarized with it while Mr. Spencer is continuing his presentation on these points, so.

BRIAN SPENCER: I'm reading as fast as I can.

ERICK MEAD: That's fine. Please, Mr. Spencer, continue.

BRIAN SPENCER: All right. Thank you. To the -- okay. To the chair, members of the architectural review board -- Andrea {sic}, you timing me? All right. I am -- I am Kim Simpson, a property owner residing at 434 East Zarragossa in close proximity to the property, 627. As neighbors, we all

want what is best for Seville. This project proposes to demolish a building that has long been out of place and replace it with one that is designed to fit more naturally into the surroundings. The proposed design is more in keeping with the scale, character, and materials found throughout the district.

I want to clarify something important. I originally signed a petition opposing this project, but that was because I was asked to sign without being shown any images or illustrations and felt pressured to add my name. Once I had the opportunity to see the actual plans and understand what's being proposed, I reconsidered my condition. I have since formally requested my name be removed from the petition and asked if I could instead submit this letter of support. Specifically, I support the applicant's request for the stipulated building setback variances, the demolition of the existing noncontributing structure, and the conceptual design approval of the proposed new building. The requested setback variances do not introduce new conditions. They reflect a long-standing pattern on this site. Approval of this application means replacing a structure that distracts from the neighborhood and one that is much more appropriate and lasting. For these

reasons, I respectfully encourage you to grant approval for the respected variance. I mean, excuse me, requested.

To the chair, members, and members as residents and properties owners -- owners of two nearby residential properties, 181 South 9th Avenue, and 536 East Government, Unit 3, both of which are within walking distance of the proposed project, we wish to express our strong support. This proposal would replace a structure that has no architectural or cultural significance within a -- with a building that has been designed with care and sensitivity to the surrounding historic district. The proposed scale proportions and materials are consistent with the neighborhood and will contribute positively to the overall appearance of East Government Street. Specifically, we support the applicant's request for the stipulated building setback variances, the demolition of the existing noncontributing structure, and the conceptual design approval of the proposed new building. Approving this project will result in a more compatible lasting improvement to the historic district and re-enforce the character of Seville as one of Pensacola's most treasured neighborhoods. With respect, Robert Booth, Lauren Hayward Booth. All

have -- all of these letters have signatures.

ERICK MEAD: When you're concluded, I'm going to ask that you tender those to staff, and they can circulate them among the board members to review.

BRIAN SPENCER: I will. I have 10 copies of every letter.

ERICK MEAD: Please carry on.

BRIAN SPENCER: City of Pensacola review board chair members, my name is Blake Rushing, and I live just a stone's throw from the proposed project site at 627 East Government Street. My wife and I deliberately chose to make our home in the Seville Historic District, so that we could live in a walkable mixed use neighborhood, close to my downtown restaurant where I serve as executive chef and close enough that I can be present with my wife and children. The Seville District offers a unique blend of historic character, neighborhood, vitality, and access to public spaces like Seville Square, and Admiral Mason Park as well as nearby Pensacola Bayfront walking and biking paths. These are the qualities that drew us here, and they are the same qualities that this proposed development will strengthen. I understand that the applicant's requesting a setback variance to allow the project to

move forward. I support this request because the design is thoughtful, compassable with the scale of surrounding structures, and the respectful of the historic districts character. Rather than leaving an underutilized building in place, this project will introduce well-designed residential use that enhances both the visual and functional fabric of the block.

From the perspective of both a father and a businessowner, I see this project as a clear improvement. More residents living downtown means safer streets, more support for local businesses, and a stronger sense of community. It is exactly the kind of investment that re-enforces Pensacola's long-term vibrancy while honoring its past. I'm proud to add my name in support of this project, and I respectfully encourage your approval of the building setback variance request as well as the conceptual design. Blake Rushing.

Next, I respectfully submit this letter to you, ARB chair, and members. I may introduce myself. I'm a resident of 433 East Zarragossa Street. For two years, I have lived in and owned this historic building downtown. I'm a resident of Pensacola for 45 years, and I've lived in the downtown area for over 10 years. I also serve on the UWF Historic Board. On

behalf of Brian Spencer's submittal today, I fully support this. I would ask for approval of the building setback variance request as well as the demolition of the existing building. I believe it will be an improvement both esthetically and will fill the need for more housing downtown. I believe this is responsible growth. I also believe Brian Spencer is a well responsible and upstanding citizen and architect, who cares deeply about the historic values of our community and has vision with sensitivity to the current and future needs of Pensacola. I fully support the conceptual approval of 627 East Government Street. Respectfully, Terry Levin.

Dear Brian, you have my permission to share this letter of support for the demolition, building setback variances, and conceptual approval with the ARB chair and board members. At the ARB board meeting on August 21st, 2025, I wish I was able to voice my support in person, but I hope my opinion as a former ARB member is helpful for your project. I believe the proposed project results in new building massing that is substantially similar to the existing nonconformity along the Bayfront frontage and actually reduces the existing nonconformity along East Government frontage. I also believe the site presents unique conditions

unlike any other site in the district and setbacks as are defined by the LDC would preclude the construction of a usable footprint for infill housing for which the city has expressed an ongoing need. Furthermore, infill housing is the most appropriate use for this site given the residential fabric of the dead end street, and the design will be a great addition to the district. Finally, I believe the variance criteria have been demonstrated as outlined by the LDC. Thanks, Jordan Yee. And that Jordan is a former ARB member. I think I've covered it.

ERICK MEAD: All right. Are there any other --

BRIAN SPENCER: And I appreciate you allowing me to enter those into the record, not only in printed form, but to represent.

ERICK MEAD: I would just ask that -- that the ones that you read be submitted to the board secretary, so they can be circulated to the board for review by the members who may wish to review them.

BRIAN SPENCER: Yeah. Yes.

ERICK MEAD: Are there other questions from the board?

YURI RAMOS: Yes, Mr. Chairman, if I may ask a question --

ERICK MEAD: Please.

YURI RAMOS: -- of staff. Ms. Walker, can you please clarify -- so if we do -- let's say hypothetically we issue a variance here today, does that variance stay with the property owner or the property itself?

ADRIANNE WALKER: The variance would be specific to this development with those reduced setbacks. I mean, I suppose if somebody came back -- if this didn't work out, but if somebody wanted to proceed with exactly what the variance allowed, I want to say it's transferable; is that right?

YURI RAMOS: So it sticks to the property.

ADRIANNE WALKER: I mean, yeah. It sticks with the property.

YURI RAMOS: Okay.

ADRIANNE WALKER: It's not specific to Mr. Spencer, correct.

UNIDENTIFIED FEMALE: That's correct.

YURI RAMOS: And then one more question. Could you just clarify to me, so if we have an existing nonconforming structure that doesn't meet the code setbacks, if that gets demolished, there's no -- they're not grandfathered with those nonconforming conditions; is that correct?

ADRIANNE WALKER: That's correct. So the existing structure, we refer to as existing, nonconforming because it does not conform to the setbacks required of HC-1 zoning. I didn't find a whole lot of record about the building or there was talks of seeking a variance at some point, but didn't see the actual variance coming through. So essentially, if someone else came along and was given approval to demolish the existing structure, they would have to conform to the setbacks for this zoning which are 15 feet from street edge for the front yard, which you could make Bayfront or Government. You have double frontage here. The side is a minimum of 5 feet from the property line. There is a secondary side that's 7 and a half feet from the street edge, and then there's a rear setback of 20 feet minimum from the property line. So it's street edge and property line. So it's a little bit complex, but whomever comes along would have to conform to these or they would have to seek a variance to accommodate whatever they might try to do if they can't meet these setbacks.

YURI RAMOS: So where does the 20-feet setback apply?

ADRIANNE WALKER: So the 20-foot minimum

from the property line is the rear setback which for this particular development is Bayfront. So Bayfront is being considered the rear, and Government is being considered the front.

BRIAN SPENCER: And that's from the property line, so. Okay.

ADRIANNE WALKER: Yeah.

ERICK MEAD: Adrianne, could you please show the image of the existing building? On Government Street?

ADRIANNE WALKER: Like, the physical image or the site plan?

BRIAN SPENCER: Visible. Visible, please. I'm just --

ADRIANNE WALKER: That's in your demolition request.

BRIAN SPENCER: Yeah.

ADRIANNE WALKER: Does that suffice?

BRIAN SPENCER: No. Government Street.

ADRIANNE WALKER: Oh, the Government Street side, sorry.

BRIAN SPENCER: There. That's -- that's --

YURI RAMOS: Those are my questions. Thank you, Adrianne.

ERICK MEAD: I have a follow up to that, if

I may. If the applicable setbacks that this currently doesn't conform to were applied, what roughly is the percentage of usable footprint you would lose from the existing structure?

BRIAN SPENCER: I have to do a quick calculation. Let me think, 80 -- let's say 80 or I -- Adrianne, was that 23 street edge or property line?

ADRIANNE WALKER: For the year, it's 20 feet from the property line. That's the Bayfront side. And the front is 15 feet from street edge.

BRIAN SPENCER: Yeah. That's that. Probably -- I can quickly say 480 to 500 on the Government Street side, and I -- you know, I'd have to -- if you take a look, Mr. Mead.

ERICK MEAD: I'm just -- I just want some estimate.

BRIAN SPENCER: Look at that.

ERICK MEAD: Right.

BRIAN SPENCER: That triangle, that slice -- I mean, that ang --

ERICK MEAD: Right.

BRIAN SPENCER: Line.

ERICK MEAD: So if it were -- if it were applied, you'd be losing a substantial amount of footprint from the existing structure?

BRIAN SPENCER: Yes. Oh, yeah. From the -- yes.

ERICK MEAD: All right. And with respect to the --

BRIAN SPENCER: The existing as well. Yeah.

ERICK MEAD: And with respect to the existing structure, which as I understand it, because I have been to the property abuts the sidewalk.

BRIAN SPENCER: Yes. As that photograph shows, and we are pushing ours back at the ground Level 4 feet.

ERICK MEAD: And how far -- by coming back 4 feet off the sidewalk? And as I understand it, for any of the new extensions outside of the existing footprint, those are going to respect the setbacks?

BRIAN SPENCER: Yes. The --

ERICK MEAD: The east and west extension.

BRIAN SPENCER: Right. What I call the -- it's the kitchen for one that looks east, and then the elevator and stair vertical access.

ERICK MEAD: And lastly, the existing extension over the setback line on that corner element on the southeast side is going to be shifted, but not enlarged; is that correct?

BRIAN SPENCER: Correct.

ERICK MEAD: All right. Thank you. Other questions from the board, please.

BRIAN SPENCER: I just want to add one bit of color and the -- just -- I feel like it's pertinent, and I -- again, I thought I'd have a warmup with the demo. So I had certain speaking points. I just think it's relevant that you recognize how difficult it is in terms of seeking this variance. We're trying to -- I am, because I am the one -- I'm the developer trying to provide resident sizes that aren't the two and a half, $3 million downtown that, you know -- these are truly what all of us, as architects, continue to read about is, this is the way we are solving adding housing in very expensive areas is to think smarter, smaller. I've been accused of -- and I've had correspondence saying, you're just doing this. It's going to be like a hotel. I dare to say that if you saw interior perspectives, there are people from IHMC that would love to live in a 650-square foot, one-bedroom location within walking distance of IHMC. People that are coming here with American magic that would love having being able to call this home. And I just find it rather elitist to have people say, you know, they're not building our

big home, so we don't want them here. This is a solution to housing, and it's not asking for an increase in density.

ERICK MEAD: All right. Thank you. If there's nothing else, and I have no more questions from the board, I'm going to open this up to any -- again, evidentiary submissions from the people who have submitted speaker requests. So I'm -- I'm going to -- if you would relinquish the -- you can certainly come back and speak to any points you wish in rebuttal.

BRIAN SPENCER: So I will have a chance --

ERICK MEAD: You will briefly. So the first one -- and again, I'm going to caution everyone who wishes to speak that I'm -- the first question you need to answer when you get up to speak after identifying yourself is what item or items on the variance criteria list you believe you have evidence to submit, and we're going to hear that evidence. Beyond that, that's -- anything else wouldn't really be proper. So please confine yourself to the criteria and what you can tell us about any evidence that pertains to that for purposes of this variance proceeding.

So the first person I have on my list is

Mr. Brandon Sandefur, if you'd come up.

BRANDON SANDEFUR: I'm going to go ahead and decline my opportunity to speak at this time based on your criteria that you set forth.

ERICK MEAD: Okay.

BRANDON SANDEFUR: I don't have evidence. I just have commentary, and I'm not sure today --

ERICK MEAD: Thank you.

BRANDON SANDEFUR: -- in the interest of time, is a good idea to do that.

ERICK MEAD: Thank you. Those types of issues can certainly be raised in the conceptual or demolition portions because they will be appropriate in that setting because it's a different capacity in which we sit.

So those who like Mr. Sandefur have other comments or concerns that go beyond the evidentiary criteria, there will be an opportunity to hear that in the other sections that are appropriate. There's a question just briefly, Mr. Sandefur -- there's a question here.

UNIDENTIFIED MALE: (Inaudible).

ERICK MEAD: Speak up, please.

UNIDENTIFIED MALE: (Inaudible) can you clarify the evidence that you're expecting us to give

(inaudible).

ERICK MEAD: I -- I can't --

UNIDENTIFIED MALE: (Inaudible).

ERICK MEAD: So the question for the record -- no. It's all right. It's all right. You may sit. I'll --

UNIDENTIFIED MALE: I don't understand what you're --

ERICK MEAD: I understand your question. I'm -- I'm -- you don't need -- you don't need to. The question for the record is, is what is the -- the type of evidence that should be submitted. I can't prejudge what evidence is or what you may submit, and I'm not going to attempt to. All I can say is that you need to be able to identify what you believe your testimony would be relevant to when you come up here to testify so that we know that we're staying within the boundaries of what the process permits and what is relevant to this proceeding as a quasi judicial matter.

So Mr. Sandefur, did you have one other question?

BRANDON SANDEFUR: I don't have another question.

ERICK MEAD: Okay.

BRANDON SANDEFUR: (Inaudible) 3 minutes over to him, if we --

ERICK MEAD: We can't do that. We -- everybody has 3 minutes to speak on this item.

BRANDON SANDEFUR: The one thing -- to that point (inaudible).

ERICK MEAD: And it's not germane. It's okay. I'm just telling you what the rules are as far as these presentations are.

BRANDON SANDEFUR: (Inaudible) correctly, I want to make sure (inaudible).

ERICK MEAD: I understand. I appreciate that. So Mr. Sandefur's declining. The next person I have on my list is --

(Inaudible conversation.)

BRANDON SANDEFUR: (Inaudible) the direction we started this.

ERICK MEAD: All right.

BRANDON SANDEFUR: (Inaudible) evidence of something specific to --

ERICK MEAD: Yeah.

BRANDON SANDEFUR: That we talked about.

ERICK MEAD: Yes. You do.

BRANDON SANDEFUR: I mean, I've got --

(Inaudible conversation.)

ERICK MEAD: So to be clear, Mr. -- Mr. Spencer identified the item to which he believed those letters spoke, and I think, in fairness, most or all of them spoke to some element of that, the items that he identified. They were one or two items he identified that they would speak to. That's what I'm asking for everyone here to do is to identify the items they wish to speak to and to tell us what their evidence is as briefly and succinctly as you can. Because we're --

BRANDON SANDEFUR: (Inaudible) speak to number 6 and 7.

ERICK MEAD: Well, then, please come forward, Mr. Sandefur, and -- and identify yourself and your -- your address for the record.

BRANDON SANDEFUR: My name is Brandon Sandefur. I live at 610 East Government.

ERICK MEAD: All right.

BRANDON SANDEFUR: I'm speaking to the variance in harmony with the intent of the purpose, the hardship that it will create for us or for myself, personally, and my family at the end of the street.

Just a tiny bit of history without taking too much time, because I do have 3 minutes. Moving from Nashville, having seen development like this just

pop up in the middle of a residential area where everybody in the area is compromised by what will ultimately come out of this based on size, space, location, this is a personal hardship. This I gave up 29 years in a place to move to where I'm at now. And I'm extremely happy. But I fear what I've seen, you know, in a -- in a -- another city that motivated me to move here is now being bestowed upon me unduly and unfairly. And I just feel like this is -- this is just to the -- to the variance. Maybe the variance is within code and reason. It creates a hardship for me and my wife.

ERICK MEAD: All right. I have a brief question.

BRANDON SANDEFUR: Yes, sir.

ERICK MEAD: And this may apply to others of similar character. So I'm going to go ahead and pose it. Have you considered what the other allowable uses would permit here in terms of --

BRANDON SANDEFUR: I've made no consideration toward that whatsoever.

ERICK MEAD: All right.

BRANDON SANDEFUR: I moved my family and my home from 29 years to a place where I plan to retire.

ERICK MEAD: Do you understand that it can

be a commercial establishment?

BRANDON SANDEFUR: I fully understand it. I own business here in town.

ERICK MEAD: Okay. Very good. Thank you. The next I have is Mr. Devan Dunlap. Or maybe a Mrs., Ms. -- good afternoon, Ms. Dunlap. Would you give us your full name and address for the record, and then tell us what items you believe on the variance criteria -- you have some evidence to speak and provide us.

DEVAN DUNLAP: Yeah. Good afternoon. My name is Devan Dunlap. I'll be speaking on points one, three, and six.

ERICK MEAD: Okay.

DEVAN DUNLAP: I personally reside at 124 South Palafox Place, but I'm here representing Lot 9 of the 600 block of East Government Street and my family's company, Historic Pensacola Properties, LLC. I'm speaking on behalf of my mother today, Debra Dunlap. She's unable to be with us today. She's asked me to read this letter on her behalf. To the members of the ARB, I am the registered agent for Historic Pensacola Properties, LLC, owner of Lot 9 in the 600 block of East Government Street, adjacent to 627 East Government Street. I've been protecting and

preserving Pensacola history for over 30 years, and I am opposed to granting this variance. When I purchased the East Government property, I did so with full knowledge of restrictions for building in this neighborhood including setback lines and maximum heights. I purchased with the confidence that the City of Pensacola would protect and preserve the character of the Seville Square Historic District by holding all developers to the same guidelines. Granting this variance will not only diminish the surrounding property values, it will also diminish the trust the public has placed in your hands. As the guardians and protectors of all of Pensacola's unique historic districts, it is your duty to deny this variance to preserve the character of the Seville Historic District and to protect the ARB's own integrity. Sincerely, Debra Dunlap. Thank you.

ERICK MEAD: Thank you very much. The next speaker that I have is Chris Carrol. Good afternoon, Mr. Carrol. If you would please give us your name and address for the record and tell us what items on the variance criteria you believe --

CHRIS CARROL: Chris Carrol --

ERICK MEAD: -- provide it.

CHRIS CARROL: Chris Carrol, 612 East

Government Street. I want to thank you for approving my house which is right across the street from this a couple of months ago. And thank you.

You know, we're building 10 homes right across, and we're talking about the variance, and I get that when you expand the variance, you're trying to make it bigger. Well, the average -- you know, I don't know if you know this, but the average family residence is 1.9 cars per resident is the average in the United States. He's building 10 parking spots for the units, but he's taking up three or four in the road to get to those parking spots. So really, we're only gaining seven.

Okay. So now, if you go on the national average of where -- he's -- we're -- we're adding 10 parking spots that we don't have. I mean, there's going to be 10 more cars on the average than -- that -- if he's building 10, but in the front where -- where you're going in his parking garages for the variances, that you're giving up three parking spots on the road to get to those. So he's not really putting 10 there. He's actually putting about seven, and there may be four parking spots, but it's three or four.

Well, that being said, if he -- if -- how

many units are here? 10? Is that right? So that would be 19.2 on the national average parking spots that it would take to establish 10 family homes. So now he's adding another 14 parking spots that we don't even have already.

Now, I mean, it's common sense that if -- if you lived in a quiet neighborhood and somebody's really building -- we can go ahead and call it a hotel. The average hotel is 450 square feet. These are 600 or 500 or whatever they are, none -- none of you all would want that in your neighborhood right across the street from you, and I'm directly right across the street from it. I have a kid with special needs. I'm building a new house and with a kid, I don't want an apartment complex right across the street from me, and that's basically what it is. Or a hotel. And none of you all would want it in front of your house, and you know that. I mean -- I mean, I can't even believe that we're even proposing this.

And then a variance, we're going to talk about variances. He wants, what, a 20-foot variance and a 10-foot variance? I'm -- I was trying at one time to think about getting a 1 inch and I felt like that was impossible. And has there ever been on Government Street on this -- on the east side of

Palafox a variance that's -- of this magnitude? On Government Street? I would bet not. I mean, this -- you know, I just think that this shouldn't even be at the board.

ERICK MEAD: May I ask you one question?

CHRIS CARROL: Yes, sir.

ERICK MEAD: Do you know how many parking spots are in the existing commercial structure and its surroundings?

CHRIS CARROL: There?

ERICK MEAD: Yes.

CHRIS CARROL: No, sir.

ERICK MEAD: Okay.

UNIDENTIFIED MALE: There are 21 on the street (inaudible).

ERICK MEAD: Sir. Sir. Sir. There will be an opportunity for you to speak, if you submitted a speaker form. Please do not shout from the audience. We're going to keep this orderly, please. Thank you, sir.

CHRIS CARROL: Yeah. Thank you.

ERICK MEAD: The next speaker I have is Ms. Linda Webb. And again, Ms. Webb, if you would come to the microphone, tell me your name, address, and the items to which you think your evidence may

pertain on the evidence criteria list. Please sit.

LINDA WEBB: (Inaudible) two photos. Did you get that?

ADRIANNE WALKER: That type of information has to be submitted prior to the meeting. The idea is to present the evidence here at the meeting. So if you had something you wanted to show them, you would have needed to print that off.

LINDA WEBB: Okay. I'm sorry I did not do that.

ADRIANNE WALKER: Okay.

ERICK MEAD: So...

LINDA WEBB: Okay.

ERICK MEAD: Yes, ma'am. Please proceed.

LINDA WEBB: Good afternoon. I'm Linda Webb. I'm president of the Seville Square Historic District Neighborhood Association. And we appreciate your time and care. And I'm representing at least 50 members, household members, in our neighborhood.

Got the variance criteria here. Number one, special conditions peculiar to the land. Yes. It is a very odd shape. We admit that. Number three, it -- will it -- it will not confer on the applicant any special privilege? Yes. It is conferring special privilege, in that the photos that I did not print

out, did not bring, I have two photos of east -- the 600 block of -- of Government Street. If you look at those photos, maybe they can be entered into record later. I'm not sure what the procedure is. But anyway, you will notice that they're wood frame houses with setbacks, porches, and not what is being proposed.

Number four, deny the rights. You mentioned Crown Cove being a special zoning area. Well, the part of Crown Cove on -- that faces Government Street does have the wood frame houses with the porches and setbacks. That has not been shown in any evidence yet. So I -- again, I apologize for not bringing those photos, so you can see that.

Number five, if the variance is not granted, is there a reasonable use of the land? I'm sure there is. Probably not what's being proposed, but I'm sure something reasonable can go on that land that would fit and meet all the codes. Thank you. I appreciate your time.

ERICK MEAD: All right. The next speaker that I have is Christy Emmanuel. And to avoid needless duplication, the same instructions, if you don't mind, please.

CHRISTY EMMANUEL: Thank you. Thanks very

much for your time. Put my glasses on here. My name is Christy Emmanuel. I live at 313 South Florida Blanca Street between Government and Zarragossa.

ERICK MEAD: And Ms. -- Ms. Emmanuel, could you please tell us what -- what items on the variance criteria --

CHRISTY EMMANUEL: I don't have the specific items. I can only tell you in regards to the variance and my concerns in opposition to the variance. And I want to explain my reasons why.

ERICK MEAD: I understand. Would you like a copy of the variance? The list should be there in front of you. Just tell us for the record what you believe it's going to speak to so that we speak to this orderly.

CHRISTY EMMANUEL: I thought I was keeping it orderly, but. Let's go with five, that the variance granted is the minimum variance that will make possible the reasonable use of the land structure or building.

ERICK MEAD: Thank you.

CHRISTY EMMANUEL: I do not believe the requested variance will lend to enhancing the neighborhood, let alone its unique character, and I expect that it will exacerbate a scarcity of adequate

street parking.

Based upon the submittals for ARB consideration, it appears to me that the three parking spaces on Government Street immediately adjacent to the project will be lost; thereby, further aggravating the shortage that seems to be the talk of the neighborhood these days.

In terms of the representation, I think I heard from the applicant previously suggesting that this would not -- proposal would not add congestion to a public street. I respectfully disagree. The setbacks zoned for this property in our mixed use neighborhood establish guardrails for what is allowed. I have little basis to object to a development that fits within the perimeters of the prevailing zoning and setbacks and provide sufficient off street parking to promote anticipated occupancy, regardless of the intended use.

I understand the applicant wants you to make an exception. But why? What will be gained by granting this request? Is the promise of increased density with multiple 500-plus square foot dwellings the reason to make a concession? My biggest concern is that the development as proposed with the requested variance will, one, compound the parking issue we

currently face, and two, distract from valuable character of Seville Square Historic District. Excuse me.

I know the quality of the applicant's work. I am confident that his design lives up to the standard he has set in past projects. As a resident of this gem of the neighborhood, however, I strongly oppose the variance request per my comments above irrespective of the design considerations. Thank you.

ERICK MEAD: Thank you, ma'am. The next speaker I have is Rick Emmanuel. And again, sir, if you'll give us your name for the record, your address, and identify the criteria to which you speak. You think you have some evidence.

RICK EMMANUEL: Good afternoon. My name is Rick Emmanuel. I think I'm addressing Items 5, 6, 7, and Item B at the bottom of the page.

ERICK MEAD: Very good. Please -- please, sir.

RICK EMMANUEL: I live at 313 South Florida Blanca Street, two and a half blocks from this project. I walk by the site several times a week as I take my weekly walks around the Veterans Memorial Park. I'm a Florida Bar, board certified real estate attorney. I've spent most of my legal -- I'm already

at 3 minutes --

ADRIANNE WALKER: Continue. Sorry.

RICK EMMANUEL: I spent most of my legal career representing commercial real estate developers, landlords, and lenders. I'm not here to -- today to provide legal advice or a legal opinion. I say this to show to you that I am not antidevelopment, as I spent my life doing development. The increased density that Brian is requesting with 10 units on this project will probably generate about 20 cars on average. It's my understanding that the city requirement for parking spaces is about 18 feet per FDOT code. So there are approximately 17 parking spaces on this block of Government Street. It appears that the three pieces -- spaces immediately in front of the double garage doors will be lost reducing the total number of available parking spaces to approximately 14. On most days, most of those 17 spaces are in use. If 10 cars from this project need to park in the 14 spaces on Government Street, where is everyone else going to park? We have a drastic lack of parking in this -- in downtown, and this would only exacerbate that. I'm concerned that the three double garage doors for the six parking spaces appear to be immediately adjacent to the sidewalk. This will

create a dangerous condition for those of us who walk this area. This is the wrong project for a small parcel at the end of a dead end street. I request that you deny the variances. Thank you.

ERICK MEAD: Thank you, sir. Next speaker I have is, I believe, Roderic Magie; is that right? Mr. Magie, please come forward. Again --

YURI RAMOS: Mr. Chair, can I ask a question of staff?

ERICK MEAD: Certainly.

YURI RAMOS: What is the -- does the -- I guess we're not at that part of the package yet, but does the proposed design meet the parking requirements for that zone? Zoning?

ADRIANNE WALKER: It does. So one space per unit is the minimum requirement which is met with the -- with the design, and just to clarify, too, city right-of-way and parking is not under the jurisdiction of the ARB, and it's not a part of this variance either. Mr. Spencer was referred to Liza Dees in parking who he has consulted with from a city perspective, but just as a reminder, you know, parking is not under the jurisdiction of this board and is not necessarily subject to this variance.

YURI RAMOS: Thank you.

ERICK MEAD: Thank you. Mr. Magie, if you would give us your name, your address, and the items of the criteria you're going to speak to.

RODERIC MAGIE: Yes, sir. My name is Rod Magie. I reside at 609 Crown Cove. I've been a resident there for over 30 years. I'm speaking to Item 6 on the variance criteria that requires that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

I believe as some others have said, there's about 17 parking spots in that block between Cevallos and the end of Government. There are 1.9, according to another witness, and certainly by my 30 years of walking that block, two cars per resident is the norm. There's space allowed for one car per resident in the structure that spills out an excess of cars at this point, 17 parking spots barely suffice to put in the additional amount. Particularly, overnight parking is going to make the whole parking situation out of hand.

I want to say that I have no problem with Mr. Spencer trying to improve that property. He designed my house over 30 years ago. He's a wonderful architect. It's just this particular design is out of character to the public domain. Thank you.

ERICK MEAD: Thank you, sir. The next speaker I have is Stephen Fluegge or Fluegge.

STEPHEN FLUEGGE: Fluegge.

ERICK MEAD: Fluegge. Mr. Fluegge, same -- if you'll please give us your name, address, and the items of criteria you wish to speak to.

STEPHEN FLUEGGE: Sure. My name is Steve Fluegge. I reside at 555 East Government Street. I've owned it since 1984. My family has been in the historic district either as property owners or residents since 1968. I'm talking about Item 6, but I want to talk about variances in general. You all are the guardians of the crown jewel of Pensacola's historicity.

ERICK MEAD: So sir, the -- if you're going to speak to the argument on variance, I don't believe that's germane.

STEPHEN FLUEGGE: Well, my -- my argument would be is that none of them should be allowed, simply so that a developer can make a few more dollars.

ERICK MEAD: Sir, that's argument. I need --

STEPHEN FLUEGGE: And that is my argument. Thank you very much.

ERICK MEAD: Thank you, sir. Next speaker on the form is Lina Stephens or Lina Stephens. And likewise, ma'am, if you'll give us your name, address, and the points of criteria to wish you -- you would speak.

LINA STEPHENS: Thank you for your time. It's Lina Stephens. I currently reside at 607 Crown Cove, and I'm currently in the process of building the house directly next door to this proposed project which is 617 Crown Cove.

You had a question earlier to one of the other homeowners about how many parking spots this property currently has. It has 11 parking spots on the west side directly next to my fence, and it has an additional two or three parking spots on the east side of the property.

You know, I have nothing against Brian Spencer. He designed my house next door to this property. And when I was first aware of what's happening and looked at the pictures, which do not give it justice, it doesn't give it justice how much of an expansion he is looking at doing. We were hoping for some high-end condominiums, maybe four or five brand new neighbors to keep this area quiet. And I'm with the other homeowners, that the variance is

simply so that he can build a project that can turn a profit. If you look at the picture where it's showing 500 to 600-square foot residences, divided by a single hallway on each floor of this building, you're looking at an extended stay -- an Airbnb, a Motel 6 next to a residential single family homes.

As far as variances go, I have a survey team out at the house I'm currently building every month surveying to make sure I don't go an inch past my variances. This property's fence on the west side is currently 6 to 10 inches on -- over my property line. I'm not sure if that's grandfathered in or not.

So I'm against this variance, simply because he's trying to sell a concept to a developer that will turn this property into a dense extended stay next to our single family homes.

ERICK MEAD: Thank you.

LINA STEPHENS: Thank you.

ERICK MEAD: I appreciate the -- the emotion and concern of the property owners in the area, but I will have to remind you to please confine yourself to what is evidence of the criteria, not your views or speculation about the nature of the project or things that are not properly within the purview of this variance request because, one, it's going to eat

up time that we don't need to have, and two, it isn't proper because it's not relevant to the -- to the proceeding.

So Mr. Kevin Stephens, if you would, please.

KEVIN STEPHENS: You already have this picture, but.

ERICK MEAD: And please give us your name, your address --

KEVIN STEPHENS: Yeah. Kevin Stephens, and just speak on behalf of 603 and 605 East Government. So the properties basically to the left of -- of the properties --

ERICK MEAD: Okay.

KEVIN STEPHENS: -- as well as my wife at 607 --

ERICK MEAD: All right.

KEVIN STEPHENS: -- and the Crown Cove.

ERICK MEAD: Which are you going to speak to?

KEVIN STEPHENS: I'm -- I'm referencing the criteria six and seven. The -- you know, six being -- will not be injurious or involved or otherwise detrimental to the public welfare.

As several other speakers spoke about,

there's -- there's 10 parking spots for the 10 units. If this was built in the county, I -- I develop homes as well as multi-family, so I'm -- I'm -- you know, I -- I come up here, and I'm speaking against, you know, developing, and I develop, and I build houses and so forth. I'm just very cautious on where I build those when I'm doing the residential areas. If this was in the county, it couldn't be built because the county requires two parking spots per unit because they know when you look at a unit like that, you're going to have at least two people in there which would be 20 cars minimum.

When I first looked at it, my wife and I's first thought was, you know what? It could be worse. It doesn't look bad. There's going to be something built here. It wasn't until we got the petition and someone -- some of our neighbors chatted with us and actually delved into it and looked at the -- the internal layout that I'm like, this is an Airbnb. This is a short-term rental. This is just like the extended stay right down the road. So this is not going to be affordable housing as it's been touted. Or attainable housing, I think, is the new phrase now.

ERICK MEAD: I'm going to caution you, sir, please don't speculate about things that are not --

KEVIN STEPHENS: Okay. But -- but -- so back on -- I'm sorry, seven, be -- you know, will be injurious to the area involved or otherwise detrimental to the public welfare, so. You pretty much, you know, got unanimous people that are directly affected, those individuals in front of it, those individuals behind it by a hotel or multi-family, whatever this project is being designed to do, so.

Again, we just -- again, already -- already congested and -- and when it comes to the variance criteria, I mean, there's multiple things, as this board alluded to, that could be built there. This is -- so it would not require these variances. So -- so it's not -- it's not that anything else can't be built there, it isn't any structures can be built there outside of this that it's zoned for, we're going above and beyond.

And lastly, I would like to say when you're -- when we're talking about special conditions that wouldn't be conveyed to anyone else, it would be like me coming to this board, and I'm not sure if it would be approved or denied, so I'm not sure if three or four would apply, but me asking for 603 and 605 which has the same zoning right next to the project, for me to be allowed to come all the way out to the

street, I'm not sure if this board would allow that or not, but if this proposed project was approved, I certainly have a good argument on why I can't have mine directly next door, same zoning, same plans, everything, moved out with the same setback. So I wouldn't -- I'm not sure I'd actually ask for that because I wouldn't want to violate what I just said 7-A or 7-B on the variance.

So anyway, that's -- that's -- that's why we're here is to, again, just -- we want to keep our neighborhood the way it is. We like it. I'm all about affordable housing and so forth. But that's -- that's -- that's -- that's not this. This is going to be congested and -- and -- and again, like I said, it's certainly not conducive to the harmony or welfare.

And lastly, as I -- as I clock out --

ADRIANNE WALKER: Your 3 minutes are up.

ERICK MEAD: Your 3 minutes are up, sir.

KEVIN STEPHENS: Okay. Real estate company as well and --

ERICK MEAD: Please.

KEVIN STEPHENS: -- would definitely --

ERICK MEAD: Yeah.

KEVIN STEPHENS: -- lower the property

values in our area having this family --

ERICK MEAD: Thank you.

KEVIN STEPHENS: Thank you.

ERICK MEAD: Next speaker is Stephen Preisser. Mr. Preisser, likewise, your name, your address, and the criteria to which you're going to speak.

STEPHEN PREISSER: Steve Preisser, 626 East Government Street across the street from Mr. (Inaudible). I also am speaking on behalf of the Seville Place Homeowners Association. There's six houses directly across the street. I'm going to address three, five, and six. I also have the petition signed by 49 residents of this immediate area. We struck Kim Stevens off the petition. The petition speaks for itself. I offer those to the secretary for the purposes --

ERICK MEAD: I would ask if we had a statement that can be read into the record by an individual that was identified, that would be appropriate. That certainly has been established. I'm not sure about a petition, per se. I'll ask counsel's direction on that.

KIA GOLDSMITH: Yes. Mr. Chairman, Kia Goldsmith, deputy city attorney. Petitions are not

competent substantial evidence in a quasi judicial matter. So just as you stated, I would recommend that we stick to the statements that can be read into the record.

ERICK MEAD: Thank you -- thank you. And to counsel.

STEPHEN PREISSER: The petition has a preamble which every person had when they signed it. This is the same as a letter.

ERICK MEAD: Sir.

STEPHEN PREISSER: The preamble is the same as a letter; isn't it?

ERICK MEAD: I understand your point. The -- the issue here is, we have to take direction of counsel. I -- we've asked for an opinion. I tend to agree with it, as chair, that a statement that is a preamble isn't the statement of an individual witness. It is a statement they're asked to agree or disagree with. I don't think that's -- in my view, I tend to agree with counsel as a practical matter that it's not going to tell us anything, particular, evidently speaking, so please give us your evidence on those criteria.

STEPHEN PREISSER: I have a letter also on behalf of the Seville Homeowners Association, all six

of us, which I'd like to tender as addressing the criteria.

ERICK MEAD: This is on behalf of the association in the district?

STEPHEN PREISSER: It is.

ERICK MEAD: And you are an officer of that association?

STEPHEN PREISSER: I am.

ERICK MEAD: You may --

STEPHEN PREISSER: I'm actually an attorney.

ERICK MEAD: Well, no, no. If it's -- if it's a statement of the association, I think that is competent. You certainly may read that.

STEPHEN PREISSER: Well, I'll give it to the --

ERICK MEAD: That's fine, too.

STEPHEN PREISSER: And I'll do that when I'm finished.

ERICK MEAD: Yes.

STEPHEN PREISSER: I'm going to make a point about what Mr. Spencer said where they -- there are some --

ERICK MEAD: Could you speak into your mic a little bit so the people can hear you?

STEPHEN PREISSER: There are some properties on Government Street that don't have the setback. He refers to 312 East Government Street built in 1901. He refers to 438 East Government built in 1960. He refers to 610 Crown Cove built in 1984, and he refers to Mr. Kerrigan's office, the one at issue 627 built in 1981. All those variances, all those properties with those setbacks were built 40 or 50 years ago. This building, what he's proposing to do is place a 10-story -- a 10 -- a three-story 10-unit condominium complex on a parcel of land that is more appropriate for a single house. This -- this has -- this property has a use already. There's a building there. It's nonconforming, but that's -- that's -- that's grandfathered in. So there is a -- there is already a use, and he has not shown -- I mean, yes, it -- it cannot take a hotel without a variance, but this is going to be the camel under the tent that anybody that has a piece of property -- and there are other vacant properties on this area. They're going to turn around and say, I want a variance because I want to build a hotel there. There's other uses for this property, and he has to establish that in order to get a variance.

We know for a fact there is because there's

a building on there right now. And that building is habitable and that building is used as an office. How do you not -- I also disagree with it doesn't affect the values and every person, all the 49 people that signed our petition, we sure felt that it affected the values. And I -- I know Ms. Davis, she's a real estate broker. I respect her opinion. But everybody's affected. The 49 of us all think this is going to mess up our home values. You're also going to increase the density. This is not appropriate for the land where it is being proposed. That is the whole point. If -- if this is appropriate for land, and if you're going to grant a variance because the guy wants to build a multi-family dwelling on a single lot, then every -- I tell you what's going to stop, this --

ERICK MEAD: Mr. Preisser, please don't indulge into argument. Please confine yourself.

STEPHEN PREISSER: It's density. You're going to permit it. You're opening a camel under a tent. Thank you.

ERICK MEAD: Thank you. The next speaker is Tracey Preisser. Ms. Preisser, again, please give us your name, your address, and the criteria to which you wish to speak.

TRACEY PREISSER: Good afternoon. Thank you for allowing me to speak. My name is Tracey Preisser. That was my husband, Stephen, who just spoke. We live at 626 East Government Street. And again, I would be addressing numbers five and six. It's a repetition. Obviously, this is a heartfelt argument.

For those of us who live there, I don't see how you can say that it would not affect our quality of life, the density, increase in the parking, and I recognize that the parking is not your jurisdiction except that with this existing building having no setback and being directly on the sidewalk. If you're proposing to do that with this building as well, when you have cars pulling out of a garage, people walking by on the sidewalk, that's a safety issue. There are children. There are pets. There are people riding their bicycles. This is an area right across from the park. So we have a lot of foot traffic coming down our area to cross the street -- to cross 9th Avenue to get into Veterans Memorial Park. And I believe the applicant. Encourage you to go look at the odd shape of the lot. I encourage that as well to -- to grant this variance, to see the size of the building being proposed on this really odd-shaped squashed lot. I

recognize the variance isn't for height. It's strictly for, you know, spreading the -- the footprint of the building. You're talking about the density, just cramming a lot of people on just a very, very small portion of property. Again, it's a very quiet, quaint street, very limited parking, and yes, there will be 10 spots on the bottom floor of this building if the granted -- if the variance is granted. But there is no mandate that those people have to park in those 10 spots. They may very well choose to try to park out on the street, to leave those spots for their guests or somebody else where we cannot even park our cars. A lot of people coming home from work have no place to park and have to park two or three blocks away just to get to your home, to your existing homes. So I recognize, again, that, you know, you're saying parking is not your jurisdiction, but it does certainly affect our quality of life. This is a minor issue.

The address of the property is 627 East Government Street. The variance notification sign was put on Bayfront Parkway. It was not put in front of our homes. We didn't even see it until just recently. We went to look for it. Again, that's a minor thing, but to me, I don't understand why that -- that was not

put in front of the -- the address of -- of the property where the variance is being requested.

I'd like to point out that this variance request, it's not about the size, the color, the shape of the structure. Yes, it's going to be a beautiful building, and yes, the -- the one there is not that appealing. But the people that wrote those letters that the applicant read, they don't live there. The people that live there that will be affected are Crown Cove and Seville Place homeowners, and every one of us are here, and every one of us oppose it because it will affect our quality of life.

ERICK MEAD: Thank you, ma'am. Your time is up.

TRACEY PREISSER: Thank you.

ERICK MEAD: Appreciate it. The next speaker is, I believe, Kathy Tapper.

KATHY TANNER: Tanner.

ERICK MEAD: Tanner, sorry.

KATHY TANNER: Kathy Tanner.

ERICK MEAD: Tanner.

KATHY TANNER: (Inaudible).

ERICK MEAD: Your Ns look very much like broad Ps. I'm sorry, ma'am.

KATHY TANNER: How are you?

ERICK MEAD: Yes. Please give us your name, address, and the -- and the criteria to which you're going to speak.

KATHY TANNER: I'm Kathy Tanner, 421 East Zarragossa Street. I used to be on the Bayfront Parkway at 420 Bayfront Parkway. And I understand the importance of the address of Government Street. I also am -- understand the importance of where you put your sign for your variance requests. And I'm highly disappointed.

I would like to put my name on the petition to say I oppose this. The reason why I oppose this -- and I'm going to go to this because I wasn't quite prepared. I don't do this very often. Is -- is there a special privilege here? Well, I heard letters, and yes, I think they're special privilege from Mr. Spencer's letters. Those are people he works with very closely. They've made a lot of money. So is there privilege on those letters? Yes. If I was going to have a furniture store and somebody asked me to write a letter because maybe I could stage those units, I would write that letter because I'm a businessperson. So I would like those letters really looked at. Okay. So I --

ERICK MEAD: I'm just going to ask, please

don't indulge in argument or --

KATHY TANNER: Okay.

ERICK MEAD: -- you know, speculate about people's motivations, please.

KATHY TANNER: Okay. So the next thing is, is -- okay. There is a motivation here of getting outside of the setback lines. Who does that hurt? Well, that definitely hurts next door. It hurts the light. It hurts the breathing. The street with the garages. Okay. That looks pretty nice, but. Your typical car is going to be 14 to 16-feet deep. What kind of cars are going to put in there? And then there's many cars, and there's children there. This looks identical to a Residence Inn Wing at either like the airport or over on the Bayfront Parkway. It is an extended stay without a general manager. And I think if it is, then the special privilege of having 10 units there might have to go ahead and be incorporated with the rules and regulations of a hotel or a small inn, like the Oyster Bay Inn. But in the meantime, it doesn't look very exciting.

Mr. Spencer is a great, great architect. That is a beautiful piece of property. He can work within those setbacks, and he can make something very stunning there. And at this point I'm very

disappointed. And I'm worried about the drainage, too, on the Bayfront Parkway. With the new Sun Trail and the 6-foot sidewalks that are going in front of his place. And also, the taking down of the trees that were put up by Project Green Shore. So I think everybody needs to think about this a little bit harder and deeper, and even Mr. Spencer -- Brian -- I think you need to get a little bit more creative on being a better steward in our neighborhood.

ERICK MEAD: Thank you, ma'am. The last speaker that I have is Mr. Scott Sallis.

SCOTT SALLIS: Sallis.

ERICK MEAD: Mr. Sallis, if you come forward, give us your name, your address, and the criteria to which you wish to speak. And if you need a list of the criteria, I'm sure we can find another sheet for you.

SCOTT SALLIS: There's not enough time to go through all of them. Hello, everyone. I'm Scott Sallis. I own an architecture firm and some cottages, residential cottages, down the street at 503 East Government Street. To Mr. Chairman and board members, it's a privilege to be here.

Adrianne, I wanted to confirm, of the three -- three line items on the agenda, is this -- is

the variance the only quasi judicial --

ADRIANNE WALKER: That is correct. The variance --

SCOTT SALLIS: Okay.

ADRIANNE WALKER: -- is quasi judicial. The other two are not.

SCOTT SALLIS: Excellent. Thank you. I think that's a large part of what the audience has misunderstood.

ERICK MEAD: That's why we're trying to explain.

SCOTT SALLIS: We are currently in a quasi judicial setting which is very different than an ARB meeting, and it's a true legal proceeding, and we're speaking to this variance that needs to acquire of that. So I'm -- I don't even -- I do not have enough time to go down through all seven, so I would love to, but I'll stick to the first three. And it's just such a privilege to be here in this -- in this city, in this building, and I love seeing this room. I present to this board almost every month and very rarely is there an audience. So I love it when citizens come together. Even if there's controversy, we get to all be heard, and I have --

ERICK MEAD: I am going to ask you to

confine yourself.

SCOTT SALLIS: Yeah, I will. That's my preferences here.

So what I will say is this, I have many clients in this room, too, and they come to me and ask, hey, can I get this through the city? And many of them are concerned when they sit down with me with that, and I'm like, yeah, if we follow these procedures.

So when it comes to a variance, we work very hard to not seek variances because it's saying, may I have an exception to the rules? I can't create a selection within the rules, so may I have a -- an exception to the rules? And if that exception is granted, how would it affect everyone else? So that's a very hard thing to do. A variance hardship is very difficult to prove. And what I often tell my clients is -- they're like, well, what is the scenario that would be the case that a variance might be considered? And truthfully, a situation like this one is an example I give.

ERICK MEAD: Mr. Sallis, you're indulging in some legal argument here, and I -- I'd just like for --

SCOTT SALLIS: Okay.

ERICK MEAD: -- hear what evidence you have to present --

SCOTT SALLIS: Okay. So...

ERICK MEAD: -- on this project.

SCOTT SALLIS: Well, the example being, often in the city, there are buildings that are older than the land development code. And, so, therefore, the placement like this one does not meet required setbacks. And, so, in this case, to build in compliance on the property would force a lesser building, a smaller building. And, so, to me, that's a great example of hardship by location.

Another example of hardship by location is the shape of the -- the shape of the lot and its location. So there's kind of a two-sided coin. You can build a argument against it because it's -- because of its location, and you can build an argument for it because of its location. And I would just like for the board to consider that the nonconforming existing building gives credence to why it should be considered for a new development, and because it's at the end of the road, if -- if there was a roundabout at the end of this road that I know this neighborhood really spoke out against, you would have a radically different solution. But because the neighborhood has

chosen to -- to block it off, this is why -- why we're doing that. So I think the existing building, the existing shape of the lot, and this location is worthy of being considered for the variance that makes this stand out from different properties in the district. And I --

ADRIANNE WALKER: Three minutes are up. I'm sorry. I have to be fair. It's gone --

ERICK MEAD: You're done.

SCOTT SALLIS: I may not be able to speak again. I -- I'm -- okay.

ERICK MEAD: Thank you. And now I'll allow the applicant a brief rebuttal on any points that he thinks needs response, but I'd ask you to confine yourself to points raised in the -- the statement -- the other statements.

BRIAN SPENCER: I'll let the chair determine my time, please, audience, but I will --

ERICK MEAD: The applicant doesn't have a limitation of time --

BRIAN SPENCER: Thank you.

ERICK MEAD: -- your case.

BRIAN SPENCER: So thank you. I took notes, and I do plan on sticking strictly to, basically, rebuttal. Thank you.

Okay. Thank you so much. I appreciate the chance to be up here again. Thank you for all members commenting on this project, even if you are against my -- my proposal. It shows you care.

I do want to say that. I -- A very important correction, I thought I clearly stated I met with Liza Dees. There's not one single loss of an on street parking space even though that's not germane to the variance. And we have a drawing. We've met with city staff, and we are showing how that does not occur. I want to dispel that comment.

One other comment that was made is, I understand the Seville -- Seville Square Association, someone said they represent all 54 members there. That was apparently done with the board of directors meeting. So I know people that were members of that, that were not notified of a meeting that occurred Thursday, and the -- something was presented, but there was no meeting notice for members to attend. Just -- I think that's important. That was a Tuesday night meeting, but that was provided. There was seven board members. No other attendees.

As far as -- I just want to also say, everyone is talking about parking, parking, parking. Again, everyone that has built, everyone that's pulled

a permit in that area knew and know today, they are not building and choosing to be in an R13, R14 where I live in Zarragossa, R15 in gap around where they -- they have chosen to reside and build their house including Christy and Rick Emmanuel in a mixed use neighborhood that has zero off-street requirements, off-street parking.

ERICK MEAD: Mr. Spencer, I think we've established the parking is --

BRIAN SPENCER: Okay.

ERICK MEAD: -- is not germane.

BRIAN SPENCER: Thank you. Well, it sure seems to be --

UNIDENTIFIED FEMALE: (Inaudible).

ERICK MEAD: Ma'am -- ma'am, please.

BRIAN SPENCER: Okay. Finally, I just have to share this, and I do it with a bit of humor about a comment, about the -- again, the proximity of the garage doors. Mr. Rick Emmanuel was my attorney who wrote all of the legal documents when I was developing Baylen Lofts on South Baylen, a much more heavily trafficked project with much more pedestrian activity. Coincidently, I saw Mr. Emmanuel walking the other day to the park. He, like everyone else, walks down the middle of the dead end street.

ERICK MEAD: I would also --

BRIAN SPENCER: Okay.

ERICK MEAD: -- ask you to refrain from personal comment or motivations.

BRIAN SPENCER: But -- and as far as a comment about inferring that this might be a -- a Motel 6, I dare to say that there's nothing that could be further from the truth on that.

And as far as where our District 5 ECA representative whose primary home is in Molino resides versus Crown Cove, I'm sorry, but that -- this particular massing, in fact, they said it, it distracts from the air, light, and quality. There could be a project that very much changes the view corridor that this project maintains to the east for the adjacent property. I was very respectful because they are friends. I did design that house, and I thought how important it was that they could still look to the east.

Finally, the garage lengths, the bays and the widths, if anyone works with me, it's my pet peeve to have a garage that's too short and not wide enough. These stalls for these cars are 11 feet wide and 22 feet deep each. They are exceptionally large. So people will very much want to park in this -- in the

shade in these parking spaces.

ERICK MEAD: All right.

BRIAN SPENCER: Okay.

ERICK MEAD: Sir, please don't speak.

BRIAN SPENCER: Thank you so much, everyone. I know that I've sat in your seat, and I'm -- I hope that you grant -- grant approval for this variance request, so we can have the next part of the show.

ERICK MEAD: All right. So with that, you conclude your rebuttal. I think we will close the evidentiary period portion of this -- this quasi judicial hearing, and we will undertake deliberation on the variance by the board.

So from this point forward, please refrain from comments in the audience as we conduct our deliberations and determine what we're going to do with this application, so. I'll open it up to the board for their questions or comments or points that they would like to raise. Who's --

YURI RAMOS: Mr. Chair, if I may.

ERICK MEAD: Yes. Mr. Ramos.

YURI RAMOS: I just want to clarify that as a board member, you know, reviewing variance criteria, we -- I personally try to -- you know, if I hear a

comment that -- something that it's not ideal that you don't want or you don't like, personally, but it meets code, we -- I feel that as a board member you have to almost not take that into consideration because the applicant is allowed the right to the code; right? So we all follow the same code. If aspects of this meets code, it is allowed in. And the example is parking. The example is use, density, high -- all those things, and I understand it's -- it's change, and it -- it's going to affect your lives, your daily lives; right? So I sympathize with that, but it -- those things meet code, so we don't -- I feel that we can't necessarily take them into consideration.

I have a question for staff. When we do this -- these variance proceedings, the design that's being presented, how much are we taking in -- because I -- you know, I have issues with some of the design aspects that I plan to address when that item comes up. And you know -- and just give an example, the garage, you know, typically, we don't approve garages on this neighborhood or anywhere really in the historic district; right? So from that standpoint, the -- what's being proposed I would not approve, but from a variance, you know, looking at the variance criteria, I do feel that the applicant has a -- a

point that is relevant. This is an odd site. It's a dead end street. It's -- it's kind of sat in its own area, even though it's a part of a greater larger neighborhood. It almost seems like it's part of that SSD. You know, it naturally looks that way unless you're looking at a zoning map. That's the only reason you would know that it doesn't belong to that SSD. So I think there's merit to the variance request, and I'm not saying that I will approve the variance request. I'm just saying -- I'm just trying to explain that in my mind a variance and what the design is are two different things.

ADRIANNE WALKER: Mr. Chair, if I may.

ERICK MEAD: Yes, ma'am.

ADRIANNE WALKER: You're correct. So for this variance proceeding, you are purely looking at the request to reduce the front and rear yard setbacks. You are not reviewing it from an esthetic standpoint, the materials provided as a visual representation to provide context to the request, but you are really solely focusing on the site plan, if you will, and the reduction of those setbacks. You could very well approve this variance, and then deny the conceptual application because of things that maybe don't meet the historic district's code, so.

This really is only about allowing that reduction of setback. You are not approving the conceptual design by approving the variance.

YURI RAMOS: Thank you. Thank you, Ms. Walker. And with that clarification, I would just like to state that, in my opinion, I think there's merit to the variance request for the Bayfront setback, the setback on Bayfront. But I do feel that the East Government Street set -- or variance request is -- is, perhaps, not as appropriate as the one on Bayfront because it's -- it's -- it is requesting a -- what we -- what I would say a privilege that the neighboring -- any -- any neighbor that would like to build a new home in that neighborhood would not have, but I do think that when you look at Bayfront, when you drive down Bayfront, and you kind of try to understand the qualities of that streetscape, that bring in that building closer to that property line is not detrimental to the overall sort of quality of the neighborhood.

ERICK MEAD: If I may, to privilege, I want to respond to that point. I -- I would tend to agree with you just on the overall concept, Bayfront versus Government, if this was not a triangular parcel, because effectively, those -- those -- those setbacks

converge at the point. And, so if this was a rectangular -- a rectangular property, you would not have these same types of limitations on that -- on that east side that is driving some of this determination. So I make that distinction for my purposes, and I'd just thought I would make that comment since it was germane to what you said. So yes. Yes.

LOU COURTNEY: So if you are talking about approving a variance -- I mean, so is that possible that you can approve one side and not the other? Or is it just like --

ERICK MEAD: I think that's a question for staff as to the scope of the --

LOU COURTNEY: Variance.

ERICK MEAD: Of the application. So I think the question is, is there or are there variations of this application we can accept and reject others or what is the position of the city on that?

ADRIANNE WALKER: I mean, typically, I believe it is whatever is stated in the variance application and what has been applied for, but I might have to defer to Kia. Is that possible to approve certain aspects?

KIA GOLDSMITH: The applicant would need to withdraw certain aspects for you to not make a ruling on those portions.

ERICK MEAD: Understood. Thank you. An important question. Thank you. Other -- other board members like to speak? Mr. Fisher?

SCOTT FISHER: No.

ERICK MEAD: No. Mr. -- Mr. Del Gallo.

DAVID DEL GALLO: No. I'm struggling with this one. Staff, if -- if this stayed a commercial property, what's the height restriction on the commercial property in this location?

ADRIANNE WALKER: That is a good question. I think because of -- I've got too many papers. The height for this zoning is two and a half stories, 35 feet max. And we measure height from finished floor elevation to roof peak, so the occupiable space. So obviously that first floor parking is not considered in the height calculation. Because it's not occupiable. So 35 feet is the max --

DAVID DEL GALLO: 35?

ADRIANNE WALKER: -- without seeking a variance.

DAVID DEL GALLO: All right. So conceivably, if someone wanted to leave this

commercial and put another floor on that building, if it structurally could hold it, there could be a third floor on top of the existing building to go to 35 feet? 34 feet?

LOU COURTNEY: Do we know what -- the existing building, how high it is now?

ERICK MEAD: It's only two stories. I've been inside of it. It's a law office, and it's -- and it's like 8-foot ceilings. It's not that -- it's not that high.

ADRIANNE WALKER: Somebody in the audience said it's 31 feet high, existing building.

ERICK MEAD: I -- I have a couple of points I think I'd like to make, if there are no other comments from the board. One -- one of the features of the historic district -- and this is where I -- I think we need to think carefully about this. If we take the existing modern setbacks for new development and we apply them consistently to structures that for whatever reason, God forbid, we have a hurricane and somebody comes in and has to build a new structure, well, we have actually a provision in the Code 12, 3, 10, 2D to Sub Roman Numeral III, and it says that no provision of this section shall be interpreted to prevent the restoration or reconstruction of any

historic building or feature as listed by the Pensacola Historic Preservation Board in its original style, dimensions or position on its original structure or foundation.

It's important to understand that the siting of buildings in the historic district is a fundamental part of its character and the variation in the siting of those structures which is quite wide and varied throughout the district is an -- is an inherent element of its character as a historic district with, frankly, somewhat haphazard, in some cases, siting requirements which give it a lot of its character because it is not a cookie cutter -- it's this much forward, and it's not a subdivision. We have elements of that which this board has reviewed, and for instance, Old East Hill where we have some other smaller structures that are literally sitting on the sidewalk, and we've looked at that, and we've valued those questions as that variety of that siting that comes from the historical character of the development of the districts that we try to respect as a board and have -- have talked about and acted upon in many settings.

The district here, I think, is that this is a noncontributing structure in terms of its vintage is

probably the '70s or '80s, I think, when it was built, but it's nonconforming, and it's built, however, in a manner that is consistent with the historic character of a building built directly upon the lot line which is a -- a feature that you see in -- in the district and in -- in other areas of the city with similar characters to this. Old East Hill being one I just mentioned. And I think it is -- it is certainly something we don't want to be overzealous about those siting requirements where there are issues that have been put forward as to the limitations of the site. Again, I've mentioned the triangular nature of it which limits one side's application so that you have converging setbacks on one side. In this instance, the applicant seems to have addressed itself to one -- relinquishing some of the nonconformity on -- on that zero lot line side in order to accommodate some concerns about sight lines and whatnot and pedestrian for the -- for the garage, that seemed to make sense to me, just as an overall design feature.

But the issue here is that by relinquishing that nonconformity in the existing footprint, they're simply extending to the east and west respecting the existing setbacks for the new footprints that are outside of the prior footprint. That seems, to me, to

make a difference in that respect. It's certainly not enlarging the nonconformity.

Now, whether this qualifies as a grandfather or not is a legal question I'm not going to speak to. And I don't think it's part of the variance because we're asking explicitly for an exception to code provisions that might otherwise apply.

But under these circumstances, I -- I tend to think that these criteria have been met because those special conditions that are there are not the fault of the applicant. They do contribute to the character of the neighborhood, and to remove them in order to force a setback artificially in this setting on a nonstandard lot unlike any of the other lots surrounding it and certainly not like the ones that directly abut it, I think, would be an exercise in form over substance.

And in that respect, I think this is an appropriate variance because I do think that these -- these interpretations for this site and for this building given its history and its place in the historic district, I think, is appropriate because what we're talking about here is just a footprint, and we're talking about de minimus variations from an

existing footprint, some of which relinquish a nonconformity that exists, otherwise, in that structure to the benefit of the pedestrians because it's going to push back that -- that frontage foot -- setback. And I don't think doing any -- any injury with respect to the overall character of the structure -- a structure. I'm not speaking to the use. It's irrelevant for this purpose. Just like it's irrelevant for the -- the other structures in the adjoining areas or across the street.

So I think that under these circumstances, I -- I would tend to find that all of these criteria have been met by the evidence submitted, and I have heard -- I've heard no substantially weighty evidence that -- that conclusively rebuts that evidence to my mind. And I'm of a mind to likely grant this variance request.

UNIDENTIFIED FEMALE: Can't hear you.

ERICK MEAD: I'm of a mind to grant the variance request on these criteria because I think that they have all been met. And I think we need to respect the -- the nature, the unique nature, of the district and -- and keep those idiocratic things that are in the district that are consistent with its character as much as we can or we will lose it

entirely. That's my view.

With that said, is there any other points or any response to that or any other comments that any other board member wish to make? Hearing none, that will close our deliberations.

Do I have a motion or is there anything else we need to take up, staff, before we undertake a motion?

ADRIANNE WALKER: No.

ERICK MEAD: Madam counsel, is there anything else that we need to accomplish here for purposes of our quasi judicial hearing that we have overlooked?

KIA GOLDSMITH: Nothing else. Thank you, Mr. Chairman.

ERICK MEAD: Thank you. With that, I'll entertain any motion.

YURI RAMOS: I think Ms. Courtney had a comment.

ERICK MEAD: Yes. Ms. Courtney.

LOU COURTNEY: Just --

ERICK MEAD: Yes.

LOU COURTNEY: -- was there any determination about one side versus another or is it just a blanket you get the variance or you don't get

the variance?

ERICK MEAD: I believe I understood counsel to say that you take it as it's presented, and we have to make --

LOU COURTNEY: Okay.

ERICK MEAD: -- a decision on it.

LOU COURTNEY: Okay. Yeah. Because he would have to -- okay. Okay.

ERICK MEAD: Again, I'll tender it for a motion. Hearing none, I will move to approve.

YURI RAMOS: Mr. Chairman, I'll second that motion.

ERICK MEAD: We have a motion and a second. Is there any discussion on the motion before we vote? Seeing none, I'll call the vote. All in favor of the motion say aye.

(All said aye.)

ERICK MEAD: All oppose say nay.

DAVID DEL GALLO: Nay.

ERICK MEAD: All right. That is a vote of four to one in favor of the motion. The motion passes. And the variance, I believe, is granted.

ADRIANNE WALKER: Correct.

ERICK MEAD: Madam secretary, what is the next item on our agenda? And we've been going for a

while here, would it be an appropriate time to take a small comfort break? For all concerned? I think it would be. Time to change.

ADRIANNE WALKER: We don't typically, but you are chair, so that's up to you.

ERICK MEAD: I'm going to make the -- make the determination. We'll take a five-minute comfort break and go on.

(A brief recess was taken.)

ERICK MEAD: The board will come to order again. If you'll please take your seats. Madam secretary, what is next on our agenda?

ADRIANNE WALKER: Thank you, Mr. Chair. The next item is 627 East Government Street, Pensacola Historic District, Zone HC-1, City Council District 6. This is demolition of a noncontributing structure. Brian Spencer is seeking approval to demolish a noncontributing structure to allow for the development of a multi-family residential structure. The 6,966-square foot structure was built in 1981 and does not require replacement plans to be provided, but the next agenda item is a conceptual review of the proposed multi-family residential development. We have our applicant present, and with that, I will turn it over to you, Mr. Chair.

ERICK MEAD: Thank you. Will the applicant please come forward and present your application, and again, please give us your name and address.

BRIAN SPENCER: Thank you, Mr. Chair. Members of the ARB, my name is Brian Spencer. I currently reside at 4040 Dunwoody Drive, Pensacola, Florida, and my office -- I work at SMP Architecture, 205 East Intendencia.

ERICK MEAD: Please, go forward.

BRIAN SPENCER: Yes. Thank you. We are proposing the removal demolition of this building located at 627 East Government Street. I would, Mr. Speaker, like Ross Pristera to offer his historic knowledge or search about this building, but after reviewing records and archives myself, I cannot find any reason that this would be classified as a contributing structure in the Seville Historic District, but I'm not an authority.

ERICK MEAD: Okay. Mr. Pristera, what can you tell us?

ROSS PRISTERA: Not much. Built in 1981. Doesn't -- it kind of matches the architecture of the district at that time, which reflects the '80s style of what a historic building in this district would most likely fit into, so. The Government Street size

is the weakest example of that. It focuses all of our effort on the Bayfront side architecturally. So losing it is not looking at just not -- looking at what's going to replace it. Anything else with that, they -- the loss of this building would not be detrimental to the district.

Also, the -- this whole block that sits on, there's no historic buildings there across the street. There's no historic buildings. I think the closest one is -- there's a few when you get on Cevallos there. So it's kind of in an island of itself surrounded by modern infill, and it's a -- it was a modern interpretation of a historic building when it was built in the '80s, so.

ERICK MEAD: All right.

ROSS PRISTERA: Not detrimental.

BRIAN SPENCER: I have no further comments.

ERICK MEAD: Okay.

BRIAN SPENCER: Unless, Mr. Chair, the board wants to ask me anything.

ERICK MEAD: Well, we will be opening it up to -- to public comment here in a minute. I see a hand in the back. So if you would just please be patient with us, we'll get to that point of the -- of the proceeding. Are there any questions for the

applicants or comments from the board?

BRIAN SPENCER: By the way, I will add this -- I -- just because Mr. Del Gallo had a comment that made me think that would be appropriate now, this building originally was built as a one-story building. The second floor was added. Its structural capability or capacity to handle any additional structure on it would likely not be possible.

DAVID DEL GALLO: Thank you.

ERICK MEAD: All right. With that understanding, no comments or questions from the board, any -- any other things from staff on the application that we should be of note? Well, I'll open it up to public comment. Sir, have you signed a speaker form?

UNIDENTIFIED MALE: (Inaudible) fill out.

ERICK MEAD: Well, if you would, please, sign the speaker form and have it delivered to the secretary, then we'll get to you in due course. I have a application -- or speaker form for Mr. Sandefur on this demolition request. Is Mr. Sandefur still here?

UNIDENTIFIED MALE: No.

ERICK MEAD: He's not. Ms. Devan Dunlap did not wish to speak on this item. Mr. Carrol wish

to speak on this item? Is he still here? He does not appear to be. Ms. Linda Webb wish to speak on this? Yes, Ms. Webb, please.

LINDA WEBB: Not at this time.

ERICK MEAD: Not at this time. All right. Let's see. Ms. Christy Emmanuel wish to speak on this topic?

CHRISTY EMMANUEL: (Inaudible).

ERICK MEAD: She will not be speaking. Very good. Mr. Rick Emmanuel indicated he wished to speak on this topic.

RICK EMMANUEL: (Inaudible).

ERICK MEAD: No. All right. Mr. Magie did not wish to speak on that. Ms. -- Mr. Fluegge wish to speak on --

STEPHEN FLUEGGE: Yeah. I'd like to say, just --

ERICK MEAD: And again, for the record, your name --

STEPHEN FLUEGGE: Yeah.

ERICK MEAD: -- address.

STEPHEN FLUEGGE: I'm Steve Fluegge. I live at 555 East Government. As I stated earlier, my family's been here since 1968. That building -- to agree with Brian on this point, that building was

there a lot -- he stated it was built in 1981. It was built long before that. It was remodeled in 1981. It was originally Hart Reality, and that's about all I have to say about that. I don't know what code is on making a structure historical as far as its age goes, but I know that it was here at -- at least by -- in 1968, so. That's all I have to say about that.

ERICK MEAD: I mean, for the record, I mean, it's my understanding that the -- those criterias set out by the secretary of the interior and the criteria for the district in question, and in some cases for specific structures, but usually, it's just for the district, and it's not a contributing structure to the district, so.

ADRIANNE WALKER: Yeah, that's correct. During the time of the survey, it was deemed noncontributing. Usually 50 years old is a baseline which some of these structures weren't 50 years old when the surveys were done, but. But for all intents and purposes, this is noncontributing.

ROSS PRISTERA: It's --

ERICK MEAD: Yes. Mr. Pristera.

ROSS PRISTERA: So the first floor was built at a later -- or earlier than '81, but it didn't meet the 50-year mark then, but it would be 50 years

now. I'm basing it off of and what the interior would say is the most -- most significant renovation which was '81. So it feels resurveyed, even though the base would be older. I would say the whole building in general is '81 because that's what you're seeing.

ERICK MEAD: Thank you for that. The next speaker I have is Ms. Lina Stephens on the demolition.

LINA STEPHENS: No. Thank you.

ERICK MEAD: She's not going to speak. Mr. Kevin Stephens on this item.

KEVIN STEPHENS: Not at this time.

ERICK MEAD: Not at this time. Mr. -- Mr. Stephen Preisser wish to speak? Is he not here? Okay. And Ms. Tracey Preisser is also not here. Ms. Tanner.

KATHY TANNER: I would like to speak.

ERICK MEAD: Yes, please, Ms. Tanner, come to the microphone again and state your name and address for the record.

KATHY TANNER: Hi. I'm Kathy Tanner, 421 East Zarragossa, Tanner Reality of Northwest Florida. And you are an architectural review board, preservationist, and I'm looking at your architectural review board agenda here, and I see that 627 East Government Street wants a demolition. And then I'm

seeing that 500 Bayou Boulevard which is a historic structure will probably pass and get a demolition.

Well, I know that there's a man named Ducky Johnson, and he can pick that up, and I know that, that house at 500 Bayou Boulevard is like a steamboat house. So why don't we just kill a bird -- just take this one down and bring 500 over, and that's my food for thought for you guys. You are a preservation board. And let's save 500 Bayou Boulevard that so many of us love.

ERICK MEAD: If I could wave a wand, but. All right. So Mr. Sallis. And needless to say, the former rules do not apply in this setting, so.

SCOTT SALLIS: Yeah. Mr. Chairman, board members, I'm -- I'm here today because I was told that I also had originally written a letter, and I was told that that could not be considered in quasi judicial, which I thought was all of the items. So thank you for clearing them for that, and that's why I'm signed up for here.

So I will simply just use this opportunity to go on record and say that because of the variance and because of the proposed design, I support the demolition of the building, and many times where I have presented to the board before, demolition could

not be considered unless a vision was cast. So I'm grateful that you have all of that, and in light of all of that, I support demolition of this building.

ERICK MEAD: Thank you, sir. My last speaker, I believe, it's -- is it Robby Yawd?

ROBBY YAWD: Yawd.

ERICK MEAD: Yawd. Mr. Yawd, please come forward, give us your full name, and address for the record.

ROBBY YAWD: Robby Yawd, 618 East Government Street.

ERICK MEAD: Now, sir, what would you like to say?

ROBBY YAWD: I would like to know if a -- an asbestos survey has been done on this building.

ERICK MEAD: I -- I don't know that we have that information.

ROBBY YAWD: Well --

ERICK MEAD: Do we have that information, staff?

ADRIANNE WALKER: No. That information was not provided to us.

ERICK MEAD: Is that --

ROBBY YAWD: I think it needs to be provided before we go to demolition.

ERICK MEAD: It -- is that something within the purview of this board or is that something that is handled by building inspection?

ADRIANNE WALKER: That's correct. This is -- that's not under the purview of the ARB. That would be something that would be dealt with, with permitting and inspections.

DAVID DEL GALLO: It's typically required by permitting to have one done.

ROBBY YAWD: Well, let me ask the architect for the project. What -- Brian, has a -- as a ---has an asbestos survey been done on the building?

BRIAN SPENCER: No (inaudible) required (inaudible) demolished and developed many (inaudible).

ROBBY YAWD: I understand that. I just want to know if it's been done.

BRIAN SPENCER: Not to my knowledge. It would be absolutely (inaudible). I bought several buildings. Asbestos removal is a highly regulated process in demolition (inaudible).

ROBBY YAWD: Also, I was wondering if a tree survey has been done.

ERICK MEAD: A lot of it -- I mean, is that something that is required for the demolition? Or is that something that is for a building permit?

ADRIANNE WALKER: For -- in terms of demolition, the -- whoever chooses to demolish it, if approved, will have to coordinate with the city arborist to make sure that any protected trees or any trees that need to be properly mitigated will be, and that is all part of the permitting process, but not necessarily to the purview of this board.

ROBBY YAWD: Okay. Thank you.

ERICK MEAD: I -- that's the last speaker we have. I do have a question for the applicant, since I have -- since we have him here. One of those trees is a fruit tree on the very point of the -- of the property on the 9th Avenue side. It appears to be a Jujube, which you don't see many of those running around here. Is that -- is that tree going to be saved or is it going to be taken out?

BRIAN SPENCER: On the site plan that was presented today, shows that it remains. And by the way, it's a delicious nontoxic fruit. I tasted it the other day.

ERICK MEAD: All right. Any other comments or questions from the board on the demolition? Seeing none, do we have a motion?

DAVID DEL GALLO: I make a motion it be approved.

ERICK MEAD: We have a motion.

YURI RAMOS: Second.

ERICK MEAD: Do we have a second? A motion and a second. Any other comment or questions? Move to vote. All in favor say aye.

(All said aye.)

ERICK MEAD: Opposed say nay. Hearing none, it passes unanimously. Next item, madam secretary.

ADRIANNE WALKER: Thank you, Mr. Chair. The next item is 627 East Government Street. This is Pensacola Historic District, Zone HC-1, City Council District 6. This is a new multi-family residential construction. Brian Spencer is seeking conceptual approval for a new multi-family residential structure. Proposed a first floor parking beneath second and third floor residential space composed of 10 units. We have Mr. Spencer present, and with that, I will turn it over to you, Mr. Chair.

ERICK MEAD: Thank you, madam secretary. Mr. Spencer, give us your full name again, address for this portion of the record.

BRIAN SPENCER: Yes. And in honor of my father, I will add my middle name. Brian Kenneth Spencer. I reside at 4040 Dunwoody, Pensacola,

Florida. And work at the offices of SMP Architecture located at 205 East Intendencia.

ERICK MEAD: And please give us your presentation.

BRIAN SPENCER: Thank you. Mr. Chair, members of the ARB, I am proud to present today a proposed new build project that would provide -- that will provide and -- and meet the stay within the density of number of dwelling units permitted or permissible on a property of this size. The density is allowed due to additional two units because of what is called green architecture, meaning there are -- you are using energy saving materials. The building department reviews that for proper energy saving measures, energy saving appliances, et cetera, but I just want to make sure everyone knows that we have had staff -- I've had staff meetings with city planning and with -- we had a one-stop meeting as well. So all department heads have participated in reviewing this project to assure that no additional exceptions, variances, et cetera, are necessary.

As I stated earlier, one of the voids we have in our -- in our area downtown which is becoming -- has become, not is becoming, a very popular and desirable location for people to be able

to reside whether it be a primary home or a secondary home. I know that, for instance, I think this is relevant, Brent Lofts has units similar to this size in that restored building. There's an entire floor that is strictly -- it's not short-term rental, and it is -- it has sold all of the units. People, for instance, that are executives or live in Beulah that work at Navy Federal that want to be able to have a second home downtown, they have chosen to do so, but there are also people that -- that -- again, that live at Brent Lofts. There are people that want to be able to live downtown in this walkable, mixed use neighborhood, and this project is providing 10 residences. And as you know, the -- the design guidelines, this particular parcel unlike some of them in the district, this is not considered the brick structure district or a site specific for brick structures but is the Wood Cottage District. And the vernacular was designed to -- to match the -- the ARB's and the LDC design guidelines for such.

Adrianne, I think we have some renders -- renderings that have this with the drone topography showing there -- there. There. So that is actual.

The neighborhood, as you see it, Mr. and Mrs. Stephens' second residence is there, the white

one that SMP Architecture designed, and this provides one of the -- I think the best aerials and perspectives of how this project sits in the neighborhood. So I -- it meets all of the -- in terms of life safety code, egress to means of egress. As you saw, there's an interior stairwell, an exterior one with an elevator, and I want to make this comment, as we all are aging, many of us, many of us are aging.

UNIDENTIFIED FEMALE: Some of us are not.

BRIAN SPENCER: Right. Thanks. As I'm 68, but many people prefer to have single level living. These are what some people in the real estate industry would call flats while townhomes could be done here. I think Ms. Kathy Tanner, who sells real estate, knows that there's only a certain sector of -- in terms of demographics that feel comfortable living on one, two or three levels.

KATHY TANNER: (Inaudible) elevator.

BRIAN SPENCER: Right. So this provides for people to live in their residence on one level using an elevator to get there. The -- some of the -- again, the vernacular stays true to the intent of the Seville Historic District design guidelines using lap siding, wood trim, brick base, and since this drawing was done, thanks to the comments from the Seville

Square Neighborhood Association, a second drive has been eliminated on the east side, and a single west drive exists allowing for much more landscaping including the incorporation of the grasscrete.

And of course, the -- the balcony language, I know that Kevin and Lina Stephens prefer a much more contemporary look, so. And in the SSD, they are able to have that design latitude. This parcel does not allow that. So there are intentionally trial balconies with wood columns instead of steel supported cantilevered balconies and such. We do have some further modifications that if we make it through conceptual, then certainly I hope that I'll be able to show you different roof forms that we have been including a hip roof, but for today's conceptual, I'm hoping that you all -- that I can answer all of your questions.

ERICK MEAD: All right. I would have a question for staff. What are our review criteria for the conceptual design in the historic district? We've spoken a good bit about that part of it. But we are in the -- this is historic district for some of the design features that we would be looking at. What are the criteria for this review?

ADRIANNE WALKER: For conceptual review,

you're looking at massing and scale is a complimentary to the streetscape. For conceptual, it could be far less detailed than what you're seeing. He didn't necessarily call out materials which isn't required for conceptual. There will be some, you know, material considerations, though, being new construction, you can use hardy, you can use clad windows, and things like that, so it's really just massing and scale and does it fit the character of the district in the area.

ERICK MEAD: Very good. Thank you. I'll open it up to comments or questions from the board.

YURI RAMOS: Mr. Chairman, if I may.

ERICK MEAD: Please.

YURI RAMOS: Mr. Spencer, brief -- you know, the previous agenda items we talked about the garage doors. On your rendering, there seems to be sort of a security grade kind of thing, and then in the package --

BRIAN SPENCER: Right.

YURI RAMOS: -- that we're reviewing now, there's a, you know, more trial residential garage door.

BRIAN SPENCER: And I believe -- intentionally, yes, and we had done some renderings,

Mr. Ramos.

YURI RAMOS: Just so I -- my -- my main concern with it is that I don't -- I don't think that having the -- and I know that in the governmental district there are some townhomes that have those garage doors that are right up to the sidewalk, but in this district, I think we kind of shy away from that, and I'm wondering if your team has thought of any other way to maintain your parking, which I think is a -- a bonus; right? Without having the actual garage doors there.

BRIAN SPENCER: We have, and we even started the project with a -- an intent with a very open air, and then I canvassed some people, and people that I respect, and they felt that instead of the open air sort of Pensacola Beach look that a higher end carriage house door that is -- evokes a wood type finish and does everything to minimize what are the up -- what are upward acting sectional doors, that's kind of the industry term, where you see the seams running horizontally. So we looked for a quite expensive door that would -- what we feel would be appropriate for, especially down at the -- this portion of Seville, and again, at the end of the dead end street.

YURI RAMOS: Is that the doors at the last page of the package that --

BRIAN SPENCER: Yeah.

YURI RAMOS: -- you're talking about?

BRIAN SPENCER: Yes.

YURI RAMOS: One is the wider, the --

BRIAN SPENCER: It's -- you know --

YURI RAMOS: -- on the fence.

BRIAN SPENCER: -- we don't know where -- right now in conceptual review, I will say this. The white one has much more pleasing, what we think, window pane proportions. Those window panes are vertical as opposed to the brown stained one with the horizontal glass pane. Typically, a vertical window pane is more historical than horizontal, so. Wood stain versus color, yet to be determined, Scott, but definitely the style of the one on the bottom. The -- yeah.

YURI RAMOS: Sorry, I didn't mean to interrupt.

ERICK MEAD: That's all right.

YURI RAMOS: Mr. Chair, if I may ask one more question of staff.

ERICK MEAD: Please.

YURI RAMOS: What -- could you please

clarify, Ms. Adrianne, could you -- Ms. Walker, could you please clarify the parking requirement for this -- this district for residential use?

ADRIANNE WALKER: So for this particular development, it's one unit -- one space per unit is the requirement for the development.

YURI RAMOS: Within the property?

ADRIANNE WALKER: Within this property.

YURI RAMOS: Okay.

ADRIANNE WALKER: Yeah. For the development that he's proposing.

ERICK MEAD: Yes, Mr. --

SCOTT FISHER: Are there additional curb cuts being done for this?

BRIAN SPENCER: It would be -- I would have to -- Brad Hinote, and I -- we have met, and it could be a -- what is considered a road curb that has instead of the aprons that's yet to be determined, but there's not actually a hard vertical curb there currently.

SCOTT FISHER: Did you consider --

BRIAN SPENCER: But Baylen Lofts, we -- we have the a --

SCOTT FISHER: Trying to come --

BRIAN SPENCER: The apron.

SCOTT FISHER: -- west side with --

BRIAN SPENCER: Yeah.

SCOTT FISHER: You know, with the --

BRIAN SPENCER: Yeah. The building footprint doesn't allow for the turnarounds and the --

SCOTT FISHER: It's really close to the --

BRIAN SPENCER: The double aisle.

SCOTT FISHER: To the sidewalk as far as walking by (inaudible).

BRIAN SPENCER: The -- it's the same condition does exist in many other parts of the city.

ERICK MEAD: Any other questions or comments from the board?

BRIAN SPENCER: Scott, I'll just add, there are ADA requirements that disallow any curb cuts that would not meet ADA for walking on the sidewalk. That would have to be respected.

ERICK MEAD: If the other board members have no further comments, I have a couple of things. One, I do echo that in the final submission, I think, something is going to really suitably fit the garage door profiles to what you're aiming for -- for a historically inspired new construction, I think would be appropriate. I think there's a number of different ways to do it. But it's going to be such a prominent

feature on that facade that I think it's a really important element, and I -- I applaud you for looking beyond sort of the off-the-shelf approaches, but I think it's going to be an important factor, at least, for me, in terms of the final design. I also appreciate the masonry base which is taking a page from the existing structure which was historical and an inspiration as well, and I think that helps a lot. I think that the -- the cantilevered elements are also consistent with, you know, a historical inspiration in that fit.

That said, there's some of the details, particularly the roof, I -- the blind -- the blind dormers, gable dormers, I don't think worked for this. And I think somebody said something about Residence Inn, and I think that is exactly -- that's kind of the -- that's the sensibility.

BRIAN SPENCER: They said Motel 6.

ERICK MEAD: Well, Residence Inn. I thought we heard -- I tend to echo that sentiment --

BRIAN SPENCER: We have an entirely new roof form that -- to present.

ERICK MEAD: And I understand this is for conceptual review --

BRIAN SPENCER: Yeah.

ERICK MEAD: -- which is why I wanted to make sure we clarified with staff for everybody's consideration about what we're looking at, and the comments are directed to hopefully a suitable final design as opposed to what we're looking at for here, but I thought it was useful.

The other point that I think would be useful is that -- the tower element on the -- on that end, I think this is purely stylistic, but it could be a defining feature, and it would help to anchor the whole building, I think, visually and provide something that I think would, you know, could potentially be something that the -- the neighborhood would be proud of as an iconic element at that -- that, that kind of defining point of the -- of Government Street, and I think a lot -- some attention should be given to -- to making that something more of a feature because right now it just kind of sits there plugged into the building and under the roof line.

You know, there's some other details that I have some critiques about, particularly, on the -- the Government Street facade, I think, that could bear some work to give them a little more affect and a little more historical inspiration or -- or echos, if you will, to make them more fitting. It's not

unpleasing as it is as I just -- I just don't know that it's -- you -- I don't want to get into too much of a postmodern interpretation, in my view, because I think that detracts from -- from the overall impact of it on the neighborhood and to the -- to the visual appeal of this end because it's going to be prominently seen from both sides --

BRIAN SPENCER: Uh-huh.

ERICK MEAD: -- either from 9th or from -- or from Bayfront, and it's just -- a lot of attention and detail needs to go into those -- those major stylistic elements that I just don't see in this -- it's a little too plain Jane from that standpoint, and some of the elements, I think, don't fit. The blind dormers being chief among them. They just -- they just don't meet, so.

BRIAN SPENCER: I wish I would have brought the -- we've completed all of the --

ERICK MEAD: It's not final review. I'm just --

BRIAN SPENCER: Yeah.

ERICK MEAD: I just make my comments. Anyway, that's -- those are my thoughts. Ross, did you have anything else?

ROSS PRISTERA: Just looking at the

rendering, I see the -- the power poles, are those going to play any issue in the --

BRIAN SPENCER: No. They'll have to be -- at our cost, though, those will have to go underground. Maybe that will -- the neighborhood might be slightly pleased with seeing those lines removed. Yeah. I had to do that with Baylen Lofts. I had to pay for under grounding all of the lines that ran in front of the entire east facade.

ERICK MEAD: All right. I have no further comments. We have public speakers, if that's -- if you have nothing else.

BRIAN SPENCER: I don't.

ERICK MEAD: All right. I think we determined Mr. Sandefur was not here. Still the case. Ms. Dunlap is not here. Mr. Carrol is also, again, not here. Ms. Webb.

BRIAN SPENCER: Thank you. And if I need to be invited back up, I --

ERICK MEAD: Thank you, sir. Ms. Webb, again, for the record your name and address and please give us your -- your thoughts.

LINDA WEBB: I'm Linda Webb. I reside at 206 South Florida Blanca. I've lived there over 35 years. In summary, I believe this project's not

suitable for the lot. It alters the historic character of the 600 block of Government Street. As was said earlier, this block is not really historic, but it does have a character, and I believe this project will alter that character. Again, we're not talking about setbacks because that's already been taken care of.

As you notice, in this particular view, there are parking places on Government Street, and the garage opens right into where that parking spaces are. Just FYI. It proposes density that's inconsistent with our district standards, so that's another reason I disagree with it.

And I want to remind the board again of the new Bayfront project and a new 5 to 6-foot sidewalk will be on the north side of Bayfront Parkway running right up against the project. So the green space on Bayfront will not be there. It'll be a sidewalk. So thank you.

ERICK MEAD: Thank you, ma'am. Christy Emmanuel. You decline. Mr. Emmanuel, your name and address for the record and please give us your thoughts.

RICK EMMANUEL: I guess I can say good evening now. Rick Emmanuel. I live at 313 South

Florida Blanca Street, and I appreciate you letting me speak again. I believe that 10 units on this small site will lead to overcrowding and increased traffic on a dead end street. It is out of character with our neighborhood. I understand you all are saying that only one parking space is required per these units, but the reality is, there's going to be two cars per unit. There's going to be guests there. There's going to be other people there, and we are going to have crowding.

Now, maybe you're not concerned about the street parking, but the solution is to reduce this project from 10 units to five units or something similar that would be more compatible with what's immediately across the street and what's down the street and throughout the rest of the neighborhood.

I'm concerned about the safety. I'm concerned about the sidewalk being right next to the garage doors, and yes, I do walk that neighborhood, and yes, sometimes I do have to get in the street because I've got to get around cars that are blocking driveways and other things, but we need to keep an eye on what is safety and what is proper and how do we want to make this a better city and not just saying, well, let's just do it because we can do it, so.

Thank you.

ERICK MEAD: Thank you, sir. I have one for Mr. Rod Magie. Is he -- Mr. Magie.

RODERIC MAGIE: I'm Rod Magie, 609 Crown Cove. Mr. Spencer -- Brian -- I consider a friend is dealing with the character of this neighborhood which is Item 11 that deals with conceptual criteria, and I think one of you define that as whether it fits the character of the neighborhood. Because Brian is such an efficient architect and knows all the rules, legally, he's been able to efficiently squeeze 10 families into one, basically, residential lot. That's fine, but it doesn't get to the point that we're all here about primarily which is too much parking, too much parking there. There's going to be many cars in and out all day long and overnight making that street impossible to enjoy as it has been. If this was not a -- if this was taking by a governmental unit and not Mr. Spencer, there'd be considerations of inverse condemnation. I urge you to reject this concept in its entirety and ask him to come back with something that will require less traffic.

ERICK MEAD: Thank you, sir. I have a sheet for Mr. Fluegge. Does -- is he still with us or has he departed? Mr. Fluegge has left. Ms. Lina

Stephens, I think she had left. No? Okay. Ms. -- she declines. Mr. Kevin Stephens, please come up, Mr. Stephens.

KEVIN STEPHENS: Kevin Stephens, 603, 605, 607 Crown Cove, East Government. So just to kind of echo what my other neighbors have said about, you know, the issue with the project, I don't think never was the esthetics with the -- because it's a -- it's not a bad-looking project at all. Brian did a good job at drawing it. It's the density. We've got issues with density. Ten -- you know, again, you know, beating the proverbial dead horse, it's like packing 10 pounds of potatoes in a 5-pound sack and having 10 -- 10 units with only 10 parking spots, again, in the county, we could never build this. We'd have to have two minimal.

A concern, again, like my neighbors with the garages, as some of you members have alluded to with the front-facing garages, we've got children going back and forth on bicycles, this or that. So I'm a little concerned. There may be other parts -- I'm downtown quite a bit. I work downtown, so. I know there's other parts of Downtown Pensacola that have front-facing garages, but just not here. None of them are down here.

So again, I would just ask the board -- I'm typically sitting in your all's position and have the honor and privilege serving many citizens of Escambia County myself, serving on the board. So I certainly weigh, you know, rules and regulations and what you can and can't do with, you know, what's -- what's best for the community and what the -- and what's best for the public. So that's got to be weighed in somehow, someway. So just -- you know, and I'm sure that's not the case, but we come in here. We listen to, you know, the pros and the cons, and it just seems like a lot of decisions were made, you know, prior to coming in here, and I'm certainly not -- you know, I'm certainly not saying that they were, but just a -- it's just a feeling that -- that the lack of -- and again, I'm not -- I'm not making any accusations or anything like that, it -- but it just -- it seems like there's a lack of deference to the individuals who are living there every single day, right across the street, right next door. So it just seems -- you know, again, I -- and that may just be a feeling. I'm sure it's not, you know, what your intent is or what you're implying, and there's nothing that you've said. It's just that the individuals back here on the Crown Cove Subdivision, East Government Street area are

just -- are feeling like, wow, this is -- this is -- this is moving quickly. There's -- there's very little pushback, and it's just kind of rolling through really quick. So just -- it's a shock for us, knowing that we -- we -- undoubtedly, this will create a major impact on parking, traffic, people, as we've already covered, at a dead end street, and it just -- again, just not -- you know, townhomes there, several units, four or five units, something along those lines, more conducive with what we have there. I don't think there will be any pushback. I don't think there will be any type of argument whatsoever. People should do what they want to do with their property. I just think that people that are living there, they're going to be affected by this. They're going to be there every single day, should be taken into consideration, and I know you all are. And I'm -- I don't mean to infer or imply that you're not, but. It just seems that, you know, sitting back here in the audience and listening to this and listening to the -- you know, the back and forth, it's like, are you hearing us? Are you hearing the -- the residents that are living here being impacted by this?

So for us, this is not a business project and I, too, have to take that into consideration when

I'm building buildings and how it's going to affect people and I, too, have had to scale back some -- several projects of mine because individuals didn't want three-story apartment buildings looking in their backyard, and I was zoned for it, I was approved for it, but again, there was -- there's certain things that are more important than -- than money and building more -- more projects.

So anyway, thank you for your time. I just wish you would just please consider the human factor, and I know you all are. And the individuals that are living there mostly impacted by this, and thank you.

ERICK MEAD: Thank you, sir.

ADRIANNE WALKER: Mr. Chair, if I may.

ERICK MEAD: Yes.

ADRIANNE WALKER: I misspoke about something, and I want to correct that.

ERICK MEAD: Yes.

ADRIANNE WALKER: Typically, we do have parking requirements of certain number of spaces per unit, but there is a code provision, 12, 3, 10 East 7, triple I, stating that off street parking is not required in HC-1 or HC-2. So technically, this development doesn't require parking at all for its residents, but it has been incorporated. I just want

to clarify that. I apologize I misspoke.

ERICK MEAD: Thank you.

ADRIANNE WALKER: Uh-huh.

ERICK MEAD: It's an important clarification.

SCOTT FISHER: I have a question on that. That's -- that's not really our purview, though; is it? Parking --

ADRIANNE WALKER: Typically, off street or on street parking would not be. On street being in city right-of-way, but the esthetic of the parking within a parcel in the district would be under your purview, and there is a code section, particularly, for this district about driveway materials, parking materials, you know. So from an esthetic standpoint, yes.

ERICK MEAD: All right. Mr. Preisser, Stephen Preisser. He's departed. He's not here. Likewise, Ms. Preisser. Also not here. Ms. Tanner, did you --

KATHY TANNER: I have something to say.

ERICK MEAD: Okay. Please come up, Ms. Tanner.

KATHY TANNER: So I do have something to say about parking. You are correct. But there is a

special kind of thing going on Zarragossa where Terry Levin has two parking places for her house that she bought with no off street parking. And it's recorded at a pretty high number, and there are signs there.

So it's changing down there whether you all are noticing or not. It's similar to right across from Brother Fox, and they have some of those on, I think; is it Davis Street? They have -- so parking and little signs are becoming very different down there, and it's getting a little cluttered. This really is very similar to Residence Inn wing. I'm a hotel and restaurant graduate. Brian has worked in the same -- has owned partnership in the same hotel. My husband worked with for 35 years, so I do -- when I look at an extended stay, I get it. I don't think of this as affordable housing. I think of this as an Airbnb or a -- extended stay, which we like extended stays. We have Airbnbs downtown. But it's too homogenized, and it's too commercial, and when I first saw it, I wondered if it was even going to have vinyl siding like down the street. But it's not, and we know better. But that was my first thought, is this going to have vinyl siding, and then I went, oh, no, it can't. It's in the Wooden Cottage District. So then I looked at Kevin Stephens' house and his wife's,

and it's very contemporary, and it's beautiful, and Brian designed it, and then I'm looking -- I'm going, well, what's Brian doing here? Brian, I just want to talk to you about it. Because I think he did Ruth Ohr's house, and Ruth Ohr's house is also in the Wooden Cottage District. And they co-merged a contemporary look with the wooden cottage. Broke a little rules maybe, but we all kind of embraced it because we kind of like Ruth very much, and Mr. Harper, and that is right down the street in the Wooden Cottage District on Zarragossa Street, right next to Lois Benson's. So I see this homogenized Residence Inn wing or even something that looks like a Homewood Suites, and I'm going, what in the world is this? And this is Brian Spencer. He is our award winning architect. And I would like to see a better product on this property because we are going to lose our trees on the Bayfront. It doesn't matter that they were Project Green Shored trees for the habitat. The bluff line is superseding that, and the FDOT has already designed a horrendous Bayfront Parkway, and this is all correlating. And, so this particular building is going to have a full waterfront view. Needs to be nicer. Brian, I think you need to do a better job.

ERICK MEAD: Thank you, ma'am. Next is Mr. Scott Sallis.

SCOTT SALLIS: Mr. Chairman, board members, thanks for hearing me again. I want to clarify. I know a lot of people may miss -- misinterpret why I'm here. I'm not here because Brian asked me to be here. I'm here as a -- as a city maker and as a neighbor and as someone who stands before you regularly, and I was here not long ago with a single family residence across the street, and the neighbors united and spoke against it, and they didn't support that project, and now it's -- largely, because my client wouldn't heed my advice about a variance. And, so we were standing before you with a variance that probably didn't prove hardship, and it was denied.

But what I want to remind this board is the mini project -- it is hard to make a great city. I was very, very moved this morning when I read the paper and saw that we were a number one coastal city. That's why I come to work every day to try to make this city better one building at a time, and it is challenging. It -- you try not to -- you've got to recognize that with all the decisions we make, we cannot make everyone happy, and we try to not make anyone mad, and I would like for you to support this

project just as an architect, as a city maker, because I believe in fighting for what people can do on properties, and this design -- I don't know if I agree with all of its aspects. I heard someone say it's not compliant with the Wood Cottage District regulations. If it's not, I'm missing that. I -- to me, I want to encourage you to support this project because it's compliant. It's -- you've passed the variance. That was a key thing.

So with that variance in hand, this project is well within any property owner's rights who owns this odd-shaped, uniquely-located piece of property to be developed, and somebody can develop something far worse than what is proposed. And I am just grateful that's not this story.

And, so I want to encourage you to support this project because from what I understand, and I haven't studied it to death, but it is compliant. And your -- your task is to check esthetics, make sure it's compliant, and hopefully, support the project. And I appreciate you hearing me out. Thanks.

ERICK MEAD: Thank you. That's all of our speakers. Are there any other comments or questions the board has? Before we entertain a motion? I have a couple of comments.

DAVID DEL GALLO: I would just like maybe you to mention to those that spoke, you know, it's not up to the ARB to determine how many units Brian can put in that building. It's -- he's got to meet the rules and regulations, since he's been approved on the previous two items, so. We're just looking at the architectural aspect of that project, so.

ERICK MEAD: Oh. Thank you. My comments to -- to close, and I don't want to belabor it because we are here somewhat late, and I think it -- my inclination is to confine our approval to the massing and overall configurations, the cantilevers, and all that. I would accept probably the roof line because I -- I don't think it's compatible for a number of reasons. I think many of which have been said. I would also accept for a number of reasons the design of the garage doors and their configuration with respect to the public pedestrian walkway and that deconfliction for two reasons. One, just that element of the design because you've already given yourself some room, perhaps, even for some partial outswing or bifold that could help alleviate pedestrian notice that the garage is open, and they need to be aware of that for purposes of vehicle access which would be a signal to the pedestrian. That's one suggestion I

have. For some design choices, there's a number of things you might consider.

The other consideration is we have been very -- we have been very concerned about front-facing garage doors that look like garage doors on Government Street and other properties, and I remember some discussions we've had on other parcels about that, and in fairness, we need to be very attentive to the configuration of those garage doors, and if they don't look like garage doors, I think so much the better. If they look like structural elements of -- of it that are not screaming garage door, I think that we are being more consistent with what we've done in other properties to try to keep that historical effect, which you're clearly going for in many respects.

So that's -- those are my comments and -- and I would hope to entertain a motion that would go along those lines, but I will entertain whatever you choose to make.

DAVID DEL GALLO: With the previous two items being approved, I move that we approve the project as submitted.

ERICK MEAD: I would ask that we limit the approval to the siting, the massing, and the setbacks that we have, the masonry -- the masonry podium with

under -- under parking, which I think fits, accepting the roof line, the balconies, generally, I think are appropriate. Although, the design details will matter. And then attention to the front facade to make it a little more compatible with the surrounding areas. Those are my -- the qualifications I would want to make, if that's acceptable.

DAVID DEL GALLO: Yeah. I don't have an issue with those.

ERICK MEAD: Okay. With that understanding, with those changes, is there a second to that?

LOU COURTNEY: I'll second that.

ERICK MEAD: We have a motion and a second. Is there any other discussion or questions? Hearing none, all in favor of the motion, say aye.

(All said aye.)

ERICK MEAD: All oppose say nay. Passes unanimously. And I think I get to tender the hammer.

ADRIANNE WALKER: Yes.

(Requested audio ended.)

CERTIFICATE OF REPORTER

I, Melissa J. Eicken, Registered Professional Reporter, do hereby certify that I was asked to prepare a transcript of proceedings had in the above-mentioned case, which proceedings were held with no court reporter present utilizing an open microphone system of preserving the record.

I further certify that the foregoing pages constitute a true and accurate reproduction of the proceedings as transcribed by me to the best of my ability and may include inaudible sections or misidentified speakers of said open microphone recording.

Melissa Eicken

Melissa J. Eicken, RPR

Date:_____

EXHIBIT B

City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 25-1051 | Architectural Review Board | 8/21/2025

LEGISLATIVE ACTION ITEM

SUBJECT:

627 E. Government Street
Pensacola Historic District / Zone HC-1 / City Council District 6
Variance

SUMMARY:

Brian Spencer is seeking approval to reduce the rear yard setback on Bayfront Parkway from 20' to 9' from the property line to allow a building height of 34' and to reduce the front yard setback on Government Street from 15' to 0' at the street edge. The next agenda item is demolition of the non-contributing structure, followed by conceptual review of the proposed new development.

Recommended Code Sections:
12-11-2(a)(2) Variances.
12-12-3(5)(b) Architectural Review Board, Duties.
12-3-10(1)e.1.i. Pensacola Historic District, Regulations and guidelines for any development within the historic zoning districts, Building height limit.
12-3-10(1)h.1. PHD, New construction in the historic district, Table 12-3.1 wood cottages district.

ATTACHMENTS:

1. Images
2. Variance_Application and Materials

627 E. Government Street





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) _____ **Zoning** _____

(To be Completed by Applicant)

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

Property Address: 627 E. Government St.

Current use of property: Office Building

1. Describe the requested variance(s): A variance is being requested to reduce the rear yard setback from 20' to 9' at elevated Level 2, elevated Level 3 balconies and 15' from the property line at the ground ~~level to allow a building height of 34'. A variance is being requested to reduce the front yard setback~~ from 15' from street edge to 7' at ground level and 0' at elevated Level 2, elevated Level 3

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:
The unusual trapezoid configuration of the site, combined with the Bayfront Parkway setback and Wood

Cottage setback restricts a "new" buildable footprint to 3,485 sf. Approx. 1/2 of the existing 3,350sf building footprint is WITHIN the boundaries of the prescribed buildable footprint.

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:

Adjacent and nearby property owners are rightfully "enjoying" similar variance conditions due to pre-existing non-conforming building locations.

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

The requested variances do not encroach on vehicular nor non-vehicular circulation nor request a superior position or vantage point respective to vistas and proximity to Pensacola Bay.

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

The existing building (requested to be demolished) is placed on the property with pre-existing, non-conforming conditions (setbacks) similar to what is being requested by the applicant as well as the site configuration and location at the edge of a major 'non-historic' scale highway and location at a dead end

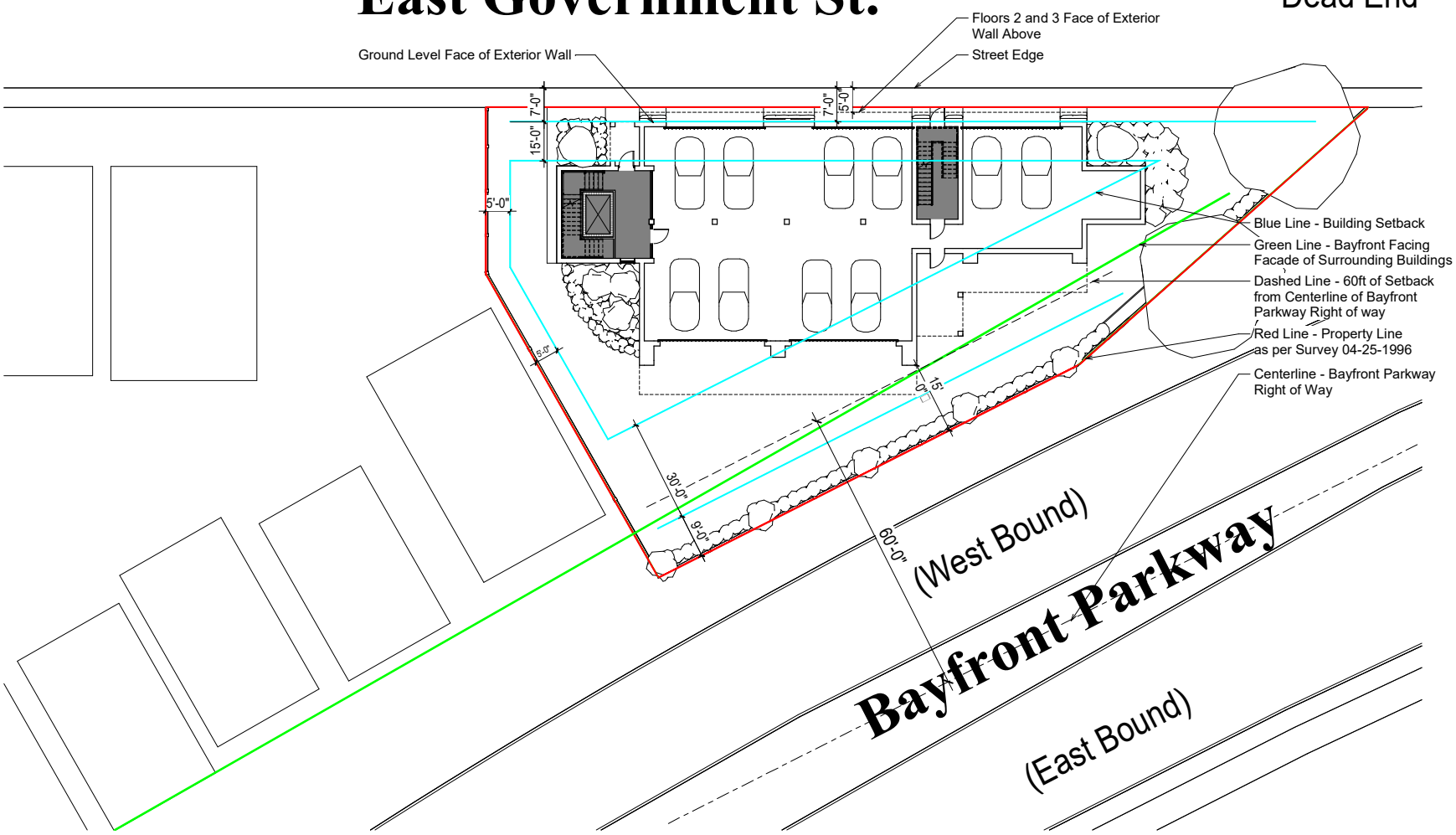
Application Date: 7/31/25

Applicant:	SMP Architecture		
Applicant's Address:	205 E. Intendencia		
Email:	Brian@smp-arch.com	Phone:	850-712-2612
Applicant's Signature:			
Property Owner:	Quarter Portions LLC		
Property Owner's Address:	627 E. Government St.		
Email:	Brian@smp-arch.com	Phone:	850-712-2612
Property Owner's Signature:	Under Contract by Brian Spencer		

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.

VARIANCE GRANTED BY THE BOARD OF ADJUSTMENT: The petitioner must secure a building permit and commence work within one hundred-eighty (180) days of the date of the granting of the variance, unless additional time is granted by the Board at that particular meeting.

JUDICIAL REVIEW OF DECISION OF THE BOARD OF ADJUSTMENT: If denied a variance by the Board, that request for a variance cannot be heard again for one year. The petitioner has thirty (30) days form the date of the meeting to appeal the decision according to Section 12-12-2 of the Land Development Code. Any person or persons, jointly or severally aggrieved by a decision of the Board may apply to the Circuit Court of the First Judicial Court of Florida. The Board, Building Inspector, or Attorney of the City of Pensacola must be notified of an appeal within five (5) days of the application being made to the Circuit Court. 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 Inspector that they have ten (10) days to remove or correct the violation.



1 C- Site Plan

A201 | A104 3/32" = 1'-0"

8' 4' 0' 8' 16'

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No.	REVISION	DATE

Owner

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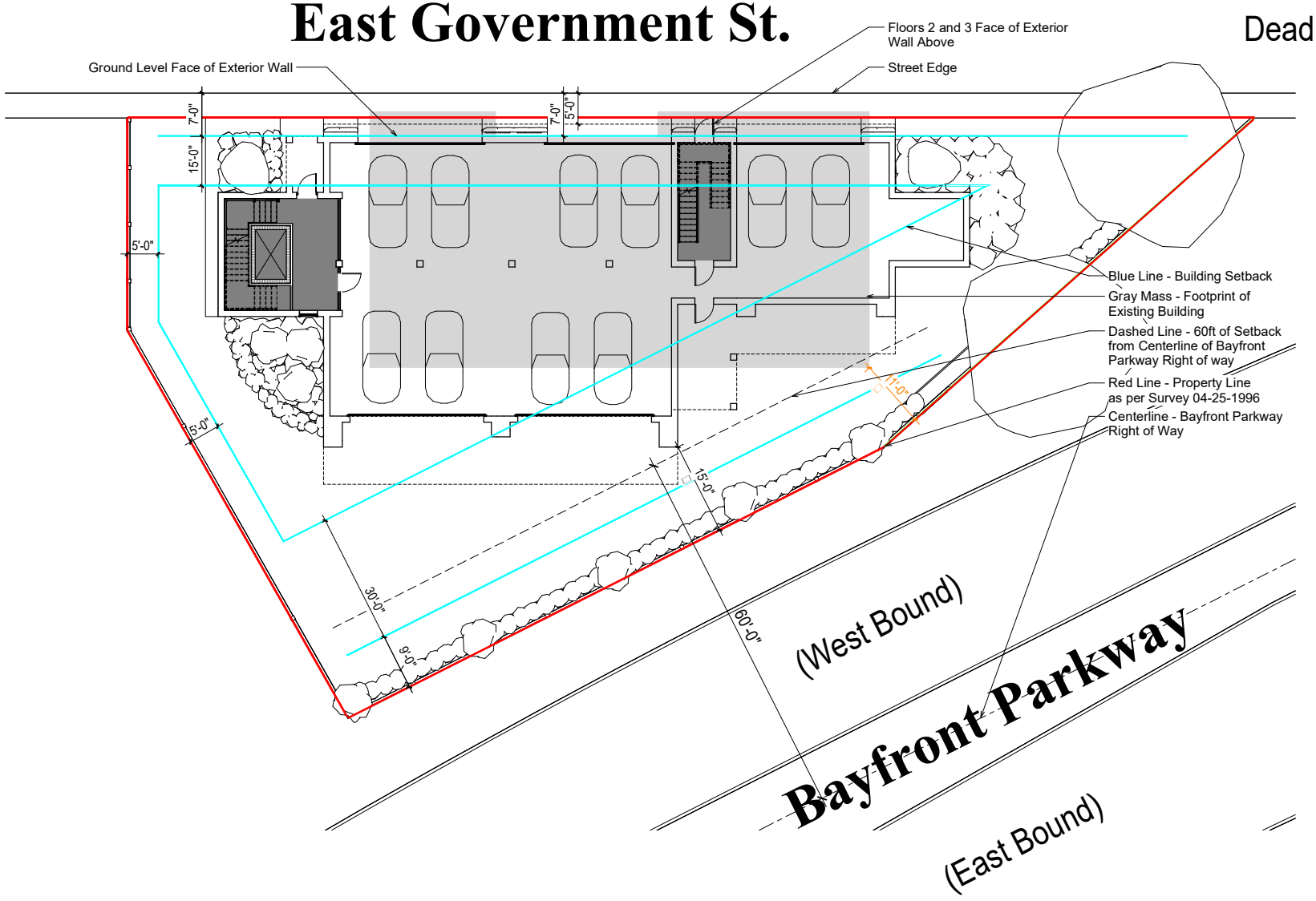
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Drawing Title SITE PLAN

Drawing No. A104

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1 C- Set Back

A201 | A103

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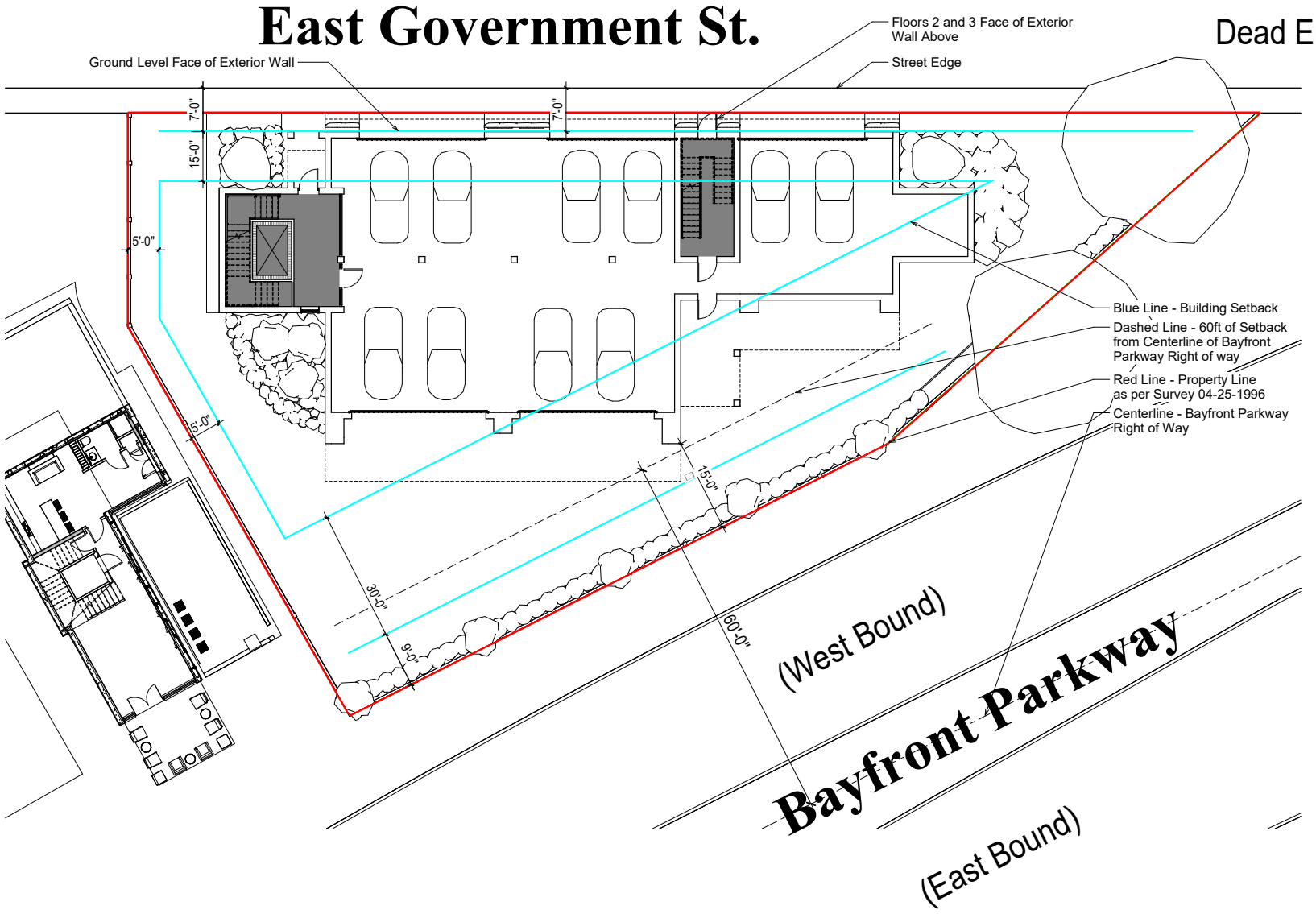
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Drawing Title: SET BACK

Drawing No. A103

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1 C- Ground Floor Plan

A201 | A101

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8' 4' 0' 8' 16'

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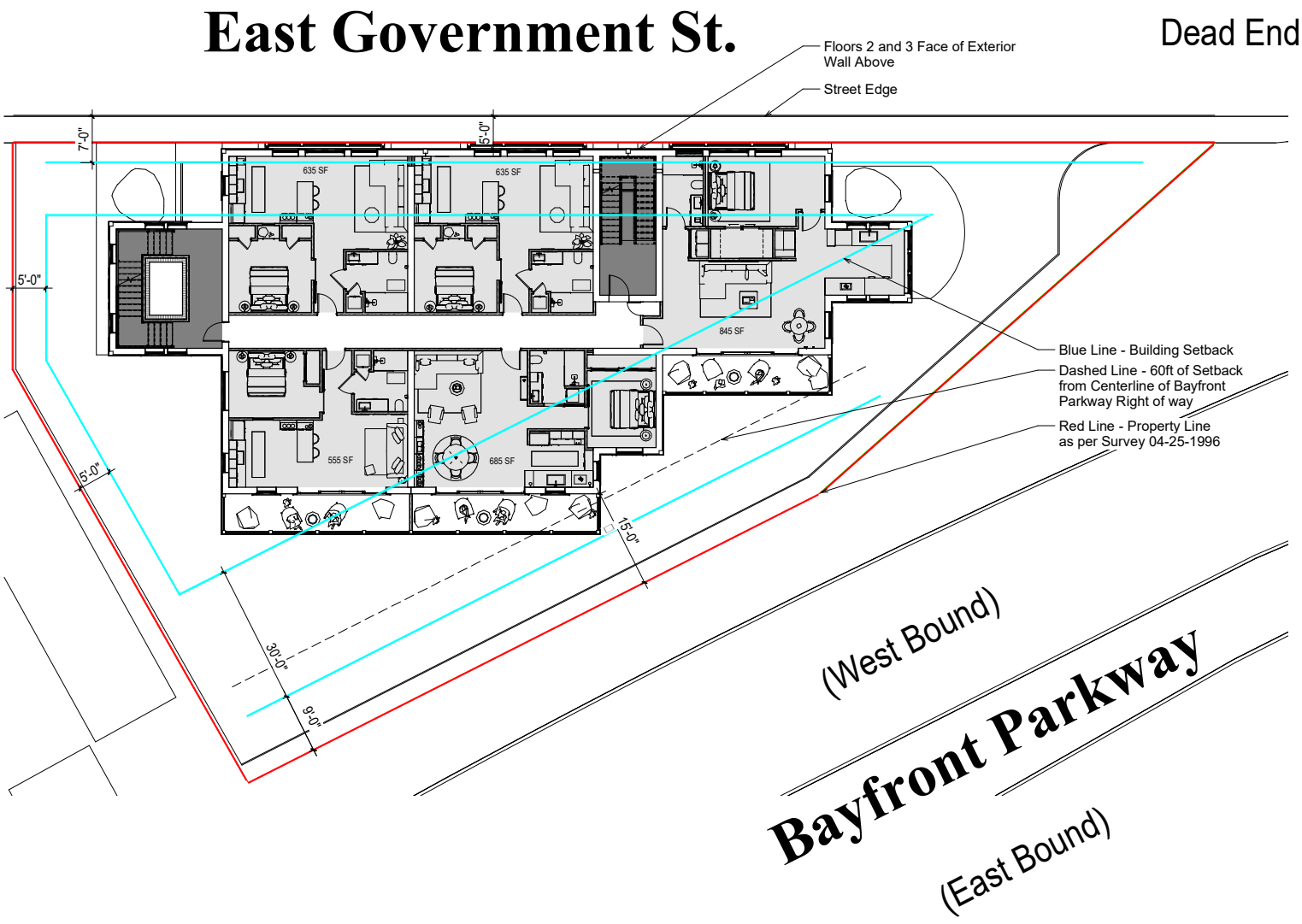
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Drawing Title: GROUND FLOOR PLAN

Drawing No. A101

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1 C-Floor Plan

A201 | A102

1/8" = 1'-0"

8' 4' 0' 8' 16'

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Drawing Title: 1ST FLOOR PLAN

Drawing No. A102

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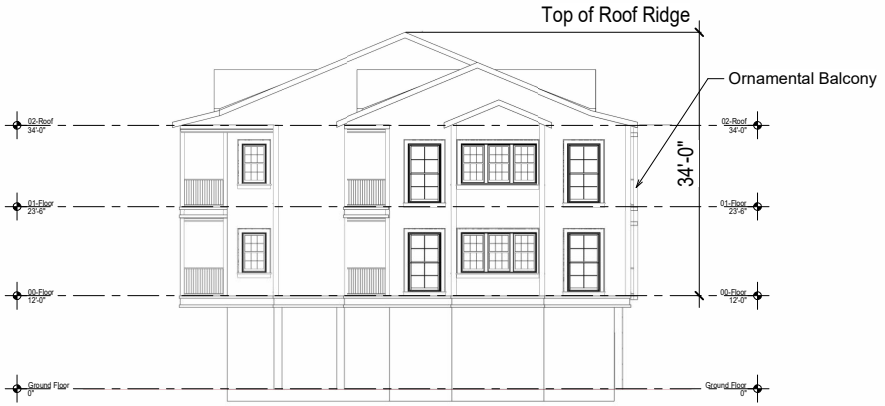
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1 EXTERIOR NEW WORK ELEVATION - NORTH -EAST GOVERNMENT ST

A101 A201 1/8" = 1'-0"

8' 4' 0' 8' 16'



2 EXTERIOR NEW WORK ELEVATION - EAST

A201 1/8" = 1'-0"

8' 4' 0' 8' 16'

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EXTERIOR ELEVATIONS

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1 EXTERIOR NEW WORK ELEVATION - SOUTH - BAYFRONT PARKWAY

A102 A202 1/8" = 1'-0"

8' 4' 0' 8' 16'



2 EXTERIOR NEW WORK ELEVATION - WEST

A102 A202 1/8" = 1'-0"

8' 4' 0' 8' 16'

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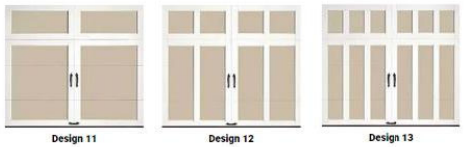






Door Designs

Series 1

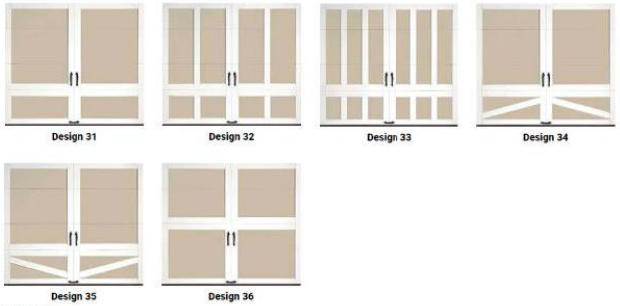


Click here to view Clopay Gallery Collection garage door looks

Series 2



Series 3



Series 4

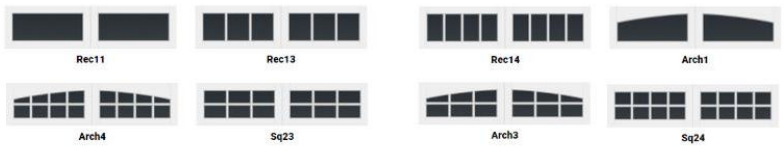


Top Sections

Windows



Solid Top Sections



Colors








PLEASE DO
NOT FEED
THE WILDLIFE
LOWE'S
IGLOO
ATM




WALBORSKY
PERSONAL

City of Pensacola

ARCHITECTURAL REVIEW BOARD

MINUTES

City of Pensacola
222 W. Main Street
Pensacola, FL
32502

August 21, 2025 2:00 PM Hagler-Mason Conference Room, 2nd Floor

CALL TO ORDER / QUORUM

Members Present: William Brantley, George R Mead II, Scott Fisher, Yuri Ramos, Lou Courtney, David Del Gallo,

Members Absent:

Also Present: Historic Preservation Planner Walker, Assistant Planning & Zoning Division Manager Harding, Deputy City Attorney Kia Goldsmith, Ross Pristera, Kelly Greene, Chris Carrol, Nathan Ackerman, Chris Mills, Kathy Tanner, Henry Norris, Cheryl Howard, Scott Sallis, Susan Senkarik, Christy Emmanuel, Rick Emmanuel, Leslie Youd, Steve Fluegge, Devan Dunlap, Richard Bankich, Beverly Edge, Brandon Sandefur, Wade Wilson, Joseph Youd, Steve and Tracey Preisser, Kevin Stephens, Rod Magie, Susie Johnson, Lina Stephens, Christy Cabassa, Toni and Charlie Spatch, Jay Baynes, Linda Webb

APPROVAL OF MINUTES

1. 25-1049 APPROVAL OF THE JULY 17, 2025, ARB MINUTES.

   Board Member Del Gallo made a motion to approve the July 17, 2025, ARB minutes. Board Member Mead seconded the motion, and it passed 6-0 with one vacant board position.

OPEN FORUM

NEW BUSINESS

2. 25-1038 313 W. INTENDENCIA STREET

GOVERNMENTAL CENTER DISTRICT / ZONE C-2 / CITY COUNCIL DISTRICT 7
NEW ACCESSORY STRUCTURE

Jay Baynes is seeking final approval to install a 14 x 24' prefabricated shed with a metal roof, composite siding in the color Navajo Green with two 3 x 3' windows, 6-lite outswing door, and a 9' roll-up garage door.

Jay Baynes presented to the board. Board Member Del Gallo asked staff about material requirements. Historic Preservation Planner Walker answered that the Governmental Center District is focused on compatibility with the district.

Board Member Del Gallo made a motion to approve. Board Member Fisher seconded the motion, and it passed 6-0 with one vacant board position.

3. 25-1040 1011 N. REUS STREET
NORTH HILL PRESERVATION DISTRICT / ZONE PR-1AAA / CITY COUNCIL DISTRICT 6
DEMOLITION OF NON-CONTRIBUTING ACCESSORY STRUCTURE

This item was removed from the agenda by the applicant.

4. 25-1041 600 BLK N. 6TH AVENUE
OLD EAST HILL PRESERVATION DISTRICT / ZONE OEHC-1 / CITY COUNCIL DISTRICT 6
NEW RESIDENTIAL CONSTRUCTION

Tim Daniel is seeking final review for new residential construction on a vacant parcel that has been subdivided into two lots. The board provided final approval for new construction on the neighboring lot at the June 2025 ARB meeting. The proposed structure has a finished floor elevation of 18" above grade and is two stories with an attic space with a facade composed of brick veneer skirting with Hardie lap siding with a dimensional shingle roof and detached accessory garage to match the primary.

Steven Sebold presented to the board. Board Members Courtney and Ramos complimented the design. Board Member Ramos asked if Old East Hill Preservation District provided comments, Historic Preservation Planner Walker answered no.

Board Member Ramos made a motion to approve as submitted. Board Member Mead seconded the motion, and it passed 6-0 with one vacant board position.

5. 25-1042 710 N. 7TH AVENUE
OLD EAST HILL PRESERVATION DISTRICT / ZONE OEHC-1 / CITY COUNCIL DISTRICT 6
NEW RESIDENTIAL CONSTRUCTION

Richard Bankich Jr. is seeking final approval of the replacement plans for a contributing structure that was approved for demolition at the June 2025. The replacement plans received conceptual approval at the same meeting. The proposed structure is composed of brick skirting, smooth Hardie lap siding, Pella Reserve aluminum-clad wood windows with six-over-six simulated divided lites, Jeld-Wen wood doors, and a shingle roof.

Richard Bankich presented to the board and noted the board's feedback was incorporated into the final design. The board complimented the application and a usable front porch.

Board Member Courtney made a motion to approve as submitted. Board Member Del Gallo seconded the motion, and it passed 6-0 with one vacant board position.

6. 25-1044 819 E. JACKSON STREET
OLD EAST HILL PRESERVATION DISTRICT / ZONE OEHC-1 / CITY COUNCIL DISTRICT 6
REAR ADDITION AT A CONTRIBUTING STRUCTURE

SMP Architecture is seeking final approval for a two-story rear addition to a contributing structure consisting of a first floor carport and office above. The addition will have horizontal lap siding to match the existing siding, wood columns and brackets, aluminum-clad wood windows to match what was approved at the March 2025 meeting, and a shingle roof to match the existing.

William Brantley, recused from the board, presented the item. Board Member Courtney complimented the design and Board Member Mead noted his appreciation for the upper story of the carport that fits the character of the structure.

Board Member Fisher made a motion to approve. Board Member Del Gallo seconded the motion, and it passed 5-0 with one board member recused and one vacant board position.

7. 25-1045 N. JEFFERSON STREET
PALAFOX HISTORIC BUSINESS DISTRICT / ZONE C-2A / CITY COUNCIL DISTRICT 6
FINAL REVIEW OF NEW COMMERCIAL DEVELOPMENT

Travis Altsman is seeking final approval for a five-story mixed-use building with retail on the first floor facing Jefferson Street with 25 condo units on floors two through five. The building is composed of ground-faced CMU block, flush metal panels, and brick with aluminum storefronts in dark bronze. This project received conceptual approval at the June 2025 ARB meeting.

Travis Altsman presented to the board. Board Member Mead complimented the balcony changes that the board discussed at the previous meeting. Board Member

Ramos noted the solutions were positive and improved the design. Board Member Mead appreciated the massing of the neighboring structure to demonstrate scale.

Board Member Del Gallo made a motion to approve as submitted. Board Member Mead seconded the motion, and it passed 6-0 with one vacant board position.

8. 25-1046 110 E. GARDEN STREET
PALAFOX HISTORIC BUSINESS DISTRICT / ZONE C-2A / CITY COUNCIL DISTRICT 6
EXTERIOR IMPROVEMENTS TO A CONTRIBUTING STRUCTURE

Henry Norris is seeking final approval for exterior alterations to a contributing structure, including a new recessed entry on Garden Street, exterior paint, shutters, slate tile treatment, refurbished metal awnings and storefronts, exterior paint, and parking lot striping and landscaping.

Henry Norris presented to the board. Chair Brantley complimented the tower element and asked if the material selections were branded for the tenant. Beverly Edge, the applicant's client, shared that the design is based on a mixture of previous renovations at different locations. Board Member Mead and staff noted the awnings on Tarragona Street may require coordination with CSX.

Board Member Del Gallo made a motion to approve as submitted. Board Member Ramos asked if the refurbished awnings on Garden Street would project further than existing and Mr. Norris answered no. Board Member Fisher seconded the motion, and it passed 6-0 with one vacant board position.

9. 25-1051 627 E. GOVERNMENT STREET
PENSACOLA HISTORIC DISTRICT / ZONE HC-1 / CITY COUNCIL DISTRICT 6
VARIANCE

Brian Spencer is seeking approval to reduce the rear yard setback on Bayfront Parkway from 20' to 9' from the property line to allow a building height of 34' and to reduce the front yard setback on Government Street from 15' to 0' at the street edge. The next agenda item is demolition of the non-contributing structure, followed by conceptual review of the proposed new development.

Chair Brantley recused himself from the item and Vice Chair Mead noted that speakers would have three minutes each. Vice Chair Mead asked for clarification on allowed uses for the zoning in relation to the applicant to demonstrate a hardship. Historic Preservation Planner Walker noted HC-1 commercial zoning allows multifamily as well as single-family and duplexes along with a variety of commercial uses. Brian Spencer noted his preference to review the demolition request as the first item, staff noted a variance request is typically first in the review order, and Vice Chair Mead chose to maintain the order of the agenda with the variance first. Mr. Spencer noted he had letters of support from individuals who

were unable to attend that he would share with the board. Vice Chair Mead noted that variance requests are quasi-judicial, and comments are limited to those factors that speakers can provide evidence on as it relates to the application. The same caution is given to the applicant and providing evidence on behalf of individuals who could not attend.

Mr. Spencer presented to the board. Mr. Spencer noted the irregular shape of the lot in question and the existing non-conforming structure that does not currently meet the land development code. Mr. Spencer noted the request to decrease the front and rear yard setbacks but the sides, to the east and west, do not require a reduction. Mr. Spencer noted the Crown Cove site-specific development (SSD), adjacent to the west, has different setbacks and that the rear yard setback reduction is not much different from the existing structure's siting. Mr. Spencer noted the proposed first floor level is 4' from the edge of the sidewalk and 8' from the street edge and also noted the required 5' landscape buffer was accounted for on the west side. Mr. Spencer pointed to a previous project, Baylen Lofts, as an example of front-facing garage doors that are close to the right of way. Vice Chair Mead asked staff for clarification about the surrounding zoning and staff noted that the property in question is adjacent to SSD zoning and separated by Government Street from other HC-1 zoning. Board Member Ramos asked Mr. Spencer to elaborate on each of the variance criteria. Mr. Spencer noted that criteria one is satisfied because of the peculiar shape of the land and the lot does not have contiguous zoning with the rest of HC-1. Criteria two is satisfied because it is not a result of the applicant's actions. Criteria three is satisfied because the existing building is non-conforming and the proposed project does not provide the applicant with additional privileges. Criteria four is satisfied because the intent of the wood cottage district is being maintained. Criteria five is satisfied because the variance request is the minimum amount to provide reasonable use of the land. Criteria six is satisfied because the proposal does not impede on public access or view corridors and the proposed project is visually pleasing and harmonious to the Seville historic district. Criteria seven is satisfied because air and light will not be reduced, particularly in comparison with newer houses in Crown Cove adjacent to the west, and because it will not create congested streets. The project provides parking on the site and the on-site spaces will be shifted and maintained. The proposal will not cause a fire hazard or diminish property values.

Mr. Spencer shared letters of support from a variety of individuals from the neighborhood who were unable to attend but supported the project based on the variance criteria. The letters were read into the record on behalf of Deedee Davis, a loca real estate professional; Rafael Simpson, neighborhood resident; Kim Simpson, neighborhood resident; Robert and Lauren Boothe, neighborhood residents; Blake Rushing, neighborhood resident; Teri Levin, neighborhood resident; and Jordan Yee, local architect. Vice Chair Mead asked if any other letters of support spoke to evidentiary support for the specific variance criteria. Mr. Spencer shared that all the letters specifically state approval of the variance request and each person took time to write the letters. Vice Chair Mead suggested

the letters be entered into the record by staff rather than Mr. Spencer read each letter. Vice Chair Mead asked staff to distribute copies of the variance criteria to the audience so that speakers would be prepared to address evidence as it relates to the specific variance criteria. Board Member Ramos asked if a variance is project or applicant specific. Staff answered that granted variances are project-specific. Board Member Ramos asked if the existing building were to be demolished, would the existing setbacks remain? Historic Preservation Planner Walker answered no. If the existing non-conforming structure were to be demolished, new construction must comply with the current code or a variance would be required to reduce the setbacks. Vice Chair Mead asked the applicant how much footprint would be lost if a variance was not sought to reduce the setbacks. Mr. Spencer answered that a substantial amount of square footage would be lost.

Brandon Sandefur addressed the board on criteria six and noted the neighboring properties would be compromised and would suffer a hardship by the development. Devan Dunlap addressed the board on behalf of Deborah Dunlap who could not attend. Ms. Dunlap identified criteria one, three, and six, stating the variance would diminish property values and impact the historical integrity of the neighborhood. Chris Carroll addressed the board and spoke about parking. Linda Webb, President of the Seville Square Historic District Neighborhood Association, addressed the board and represented roughly 50 members of the neighborhood. Christy Emmanuel addressed the board and noted that the variance request does not satisfy criteria number five and outlined opposition to the request. Rick Emmanuel addressed the board on criteria five, six, and seven and item (b) and spoke about the increase in parking and vehicular traffic. Rod McGee addressed the board and spoke about criteria six and that the proposed variance would be injurious because of the increase in parking. Steven Fluegge addressed the board and noted that variances should not be granted. Lina Stephens addressed the board and noted her home is under construction directly next door to the west. Kevin Stephens addressed the board and stated opposition based on criteria six and seven. Steven Preisser addressed the board and stated opposition based on criteria three, five, and six. Mr. Preisser offered a signed petition. Kia Goldsmith, Deputy City Attorney, noted that a petition is not substantial evidence, which should be limited to statements that can be read into the record. Tracy Preisser addressed the board and stated opposition based on criteria five and six. Kathy Tanner addressed the board and stated her opposition based on criteria number three. Scott Sallis addressed the board and shared support for the proposed variance based on criteria one through three.

Brian Spencer responded to the points raised during public comment. Vice Chair Mead closed the evidence period and the board took to deliberation. Board Member Ramos clarified that the board is tasked with reviewing requests as they relate to the code. Board Member Ramos asked if the variance approval would include any elements of architectural design and outlined reasoning for why the variance request satisfies the criteria. Historic Preservation Planner Walker answered that approval of the variance does not provide automatic approval for the

conceptual design. Board Member Ramos noted support of the rear reduction on Bayfront Parkway but not necessarily the request for reduction on Government Street. Vice Chair Mead noted the irregular shape of the lot forces the setbacks to converge in a triangular shape. Board Member Courtney asked if certain aspects of the request could be approved. Deputy City Attorney Goldsmith answered that the applicant would have to withdraw items from the variance request to have partial approval. Board Member Del Gallo asked about the allowable height for a commercial property. Historic Preservation Planner Walker answered the maximum height is 2.5 stories and 35' and the building height is measured from finished floor to roof peak, not including the parking below, which is not occupiable and not included in the building height.

Board Member Mead noted the proposed development does not expand the existing non-conformity and that the variance criteria have been met because those special conditions that are there are not the fault of the applicant. They do contribute to the character of the neighborhood and to remove them in order to force a setback artificially in this setting, on a non-standard lot unlike any of the other lots surrounding it, and certainly not like the ones that are directly abutting it, would be an exercise of form over substance. In that respect, Board Member Mead stated that this is an appropriate variance because the interpretation of the site and the building, given its history and its place in the historic district, is appropriate. The frontage being pushed back will reduce the existing non-conformity and will benefit pedestrians. Board Member Mead noted that under these circumstances he tends to find that all the criteria have been met by the evidence submitted, and no substantial evidence has been provided that conclusively rebuts that evidence and Board Member Mead is likely to grant the variance request. Board Member Mead shared that the character of the district should be respected and the idiosyncratic things that are consistent with the character should be maintained.

Board Member Mead closed the deliberations. Board Member Courtney asked for clarification on approving the entire request or partial approval and Board Member Mead noted it must be the variance as submitted. Board Member Mead made a motion to approve. Board Member Ramos seconded the motion, and it passed 4-1 with one board position vacant, one board member recused, and one dissent vote from Board Member Del Gallo.

10. 25-1052 627 E. GOVERNMENT STREET
PENSACOLA HISTORIC DISTRICT / ZONE HC-1 / CITY COUNCIL DISTRICT 6
DEMOLITION OF A NON-CONTRIBUTING STRUCTURE

Brian Spencer is seeking approval to demolish a non-contributing structure to allow for the development of a multifamily residential structure. The 6,966 sf. structure was built in 1981 and does not require replacement plans to be provided, but the next agenda item is conceptual review of the proposed multifamily residential

development.

Brian Spencer presented to the board. Mr. Spencer asked Advisor Pristera to share any historical information on the non-contributing structure. Advisor Pristera noted the 1981 construction date and the architectural style fits that genre. Demolition of the structure would not be detrimental to the district and the entire block is composed of non-historic buildings and modern infill. Mr. Spencer noted the building was originally a one-story structure with an added second floor that could not withstand further expansion.

Steven Fluegge addressed the board and shared that the existing building was built prior to 1981, which was the time of a remodeling project, and the building had been standing since at least 1968. Advisor Pristera noted the structure, though now 50 years older, would still be considered non-contributing because of the modifications made in 1981. Kathy Tanner addressed the board and suggested that the structure proposed for demolition at 500 Bayou Boulevard, Item 12 on the agenda, should be moved to the location of 627 E. Government Street. Scott Sallis addressed the board and shared support for the proposed demolition in light of the approved variance request. Robby Youd addressed the board and asked if an asbestos survey had been completed. Historic Preservation Walker Planner noted that an asbestos report would be a matter for Building Inspections during permitting. Board Member Del Gallo shared that asbestos reports are often required for permitting. Mr. Spencer answered that to his knowledge an asbestos report had not been completed. Mr. Youd asked about a tree survey and staff noted that the applicant must coordinate with the city arborist during permitting.

Board Member Del Gallo made a motion to approve. Board Member Fisher seconded the motion, and it passed 4-0 with one board position vacant and one board member recused.

11. 25-1053 627 E. GOVERNMENT STREET
PENSACOLA HISTORIC DISTRICT / ZONE HC-1 / CITY COUNCIL DISTRICT 6
NEW MULTIFAMILY RESIDENTIAL CONSTRUCTION

Brian Spencer is seeking conceptual approval for a new multifamily residential structure composed of first floor parking beneath second and third floor residential space, composed of 10 units.

Brian Spencer presented to the board and shared that future modifications have already been drafted, including the roof form. Board Member Mead asked staff for the review criteria for conceptual. Historic Preservation Planner Walker answered that the board should review the proposal based on massing and scale and if the proposed conceptual development fits the character of the district. Board Member Ramos asked about the garage security screening in the renderings compared to

the traditional garage door product that was included in the application. Board Member Ramos noted that in this district the board has discouraged front-facing garages and wondered if the applicant had thought of other options aside from garage doors. Mr. Spencer answered that options were explored, including open-air garages, and in speaking with local residents, a higher-end carriage house door with a wood finish was the preferred option. Mr. Spencer noted the preference for the vertical window panes versus horizontal and the color choice had not been finalized. Board Member Ramos asked staff about the parking requirement for residential use. Historic Preservation Planner Walker noted the requirement of one space per unit, which was later amended to note the code section 12-3-10(1)e.7.iii., which states that off-street parking is not required in the HC-1 and HC-2 zoning districts. Board Member Fisher asked if additional curb cuts were planned and Mr. Spencer answered that he is coordinating with Brad Hinote, City Engineer, to meet engineering requirements for curb cuts.

Board Member Mead echoed that the final submission must suitably fit the proposed garage door concept and appreciated the masonry base and cantilevered elements in terms of historical inspiration. Board Member Mead noted the gabled dormers do not fit the character and Mr. Spencer clarified that a new roof form is ready for future review. Board Member Mead felt the tower element at the end is a defining feature that could be iconic and needs more attention to be a defining element. Board Member Mead noted the Government Street facade could use a more fitting treatment since it is a prominent facade from 9th Avenue and Bayfront Parkway. Advisor Pristera asked about the power poles and Mr. Spencer noted they must be placed underground.

Linda Webb addressed the board and shared that the project is not suitable for the lot and alters the character of Government Street. Ms. Webb noted the density is inconsistent with the neighborhood's standards and that the new Bayfront project will add a sidewalk to the north where the green space is proposed. Rick Emmanuel addressed the board and shared that ten units on the lot would lead to overcrowding and increased vehicular traffic. Mr. Emmanuel asked that the density be reduced from ten to five units and asked for safety to be considered. Rod McGee addressed the board and noted that the proposed development does not fit the character of the district and would cause increased traffic. Kevin Stephens addressed the board and noted the aesthetic design is fine, but there are concerns about density and the front-facing garages. Mr. Stephens felt that the board did not consider the residents' feelings and that the project was progressing very fast. Mr. Stephens questioned if the board was considering the impacts on the surrounding residents and the human factor. Kathy Tanner addressed the board and noted that residents in the surrounding area have placed signs to designate on-street parking and noted the design is too commercial. Scott Sallis addressed the board and shared that he supports the proposed development as a neighbor. Mr. Sallis noted that something less desirable could be proposed, and the current proposal is code-compliant. Board Member Del Gallo clarified that the board does not dictate density but only the architectural aspect and if something meets code. Board Member

Mead noted his inclination to confine approval to massing and overall configurations, such as the cantilevers, and noted the need for a refined garage door configuration to not actually look like a garage door.

Board Member Del Gallo made a motion to approve the project as submitted. Board Member Mead asked to limit the approval to siting, massing, setbacks, masonry podium with parking below, the roof line, the balconies being appropriate with added design details, and attention to the front facade to make it more compatible with the surroundings. Board Member Del Gallo accepted Board Member Mead's suggestions. Board Member Courtney seconded the motion, and it passed 4-0 with one board position vacant and one board member recused.

12. 25-1047 500 BAYOU BOULEVARD
EAST PENSACOLA HEIGHTS / ZONE R-1AA / CITY COUNCIL DISTRICT 4
HISTORIC STRUCTURE DEMOLITION APPLICATION

Per the City of Pensacola's Historic Building Demolition Review Ordinance, the referenced structure has been found to be potentially significant because the building embodies the distinctive characteristics of a type, period or method of construction. Per the ordinance, the Board is tasked with determining whether or not this structure meets the criteria for listing in the National Register of Historic Places. If eligible and deemed historically significant by those criteria, the Board must also determine if the building is subject to a demolition delay of no more than 60 days. To determine that a historically significant building is subject to a demolition delay, the Board must find that in the interest of the public it is preferable that the building be preserved or rehabilitated rather than demolished.

Wade Wilson and Maverick McCoy presented to the board. Mr. McCoy noted that the structure has been vacant for perhaps 10 years. Chair Brantley noted that a replacement plan is not required, which makes it difficult for the board to make a decision. Without knowing what will replace the structure, it is hard to review a proposed demolition. Board Member Del Gallo noted that the 60-day delay is only effective if someone steps up to save the structure. Board Member Mead noted the structure meets the criteria to be listed in the National Register and meets the code requirements for a delay. There have been success stories of a delay being imposed, and perhaps the structure could be moved. Board Member Mead supported a 60-day delay, echoed by Chair Brantley who noted an idea of replacement would be helpful in making these types of decisions. Board Member Ramos asked Advisor Pristera to share the history. Mr. Pristera noted the house was occupied by a previous mayor and civic-oriented citizens, but the architecture is the most significant feature. Mr. Pristera noted the board meeting is a forum, along with the delay, to provide an opportunity for someone else to step up and preserve the structure. The board discussed the feasibility of moving the structure. Board Member Courtney encouraged the applicant to reconsider demolition and that restoration could be attainable.

Board Member Mead made a motion that the house has historical and architectural significance and meets the requirements of the ordinance. The board should impose a 60-day delay to see if the structure can be salvaged or reconfigure the development to save the structure. Board Member Ramos seconded the motion, and it passed 6-0 with one vacant board position.

ADJOURNMENT

100 Block South Baylen

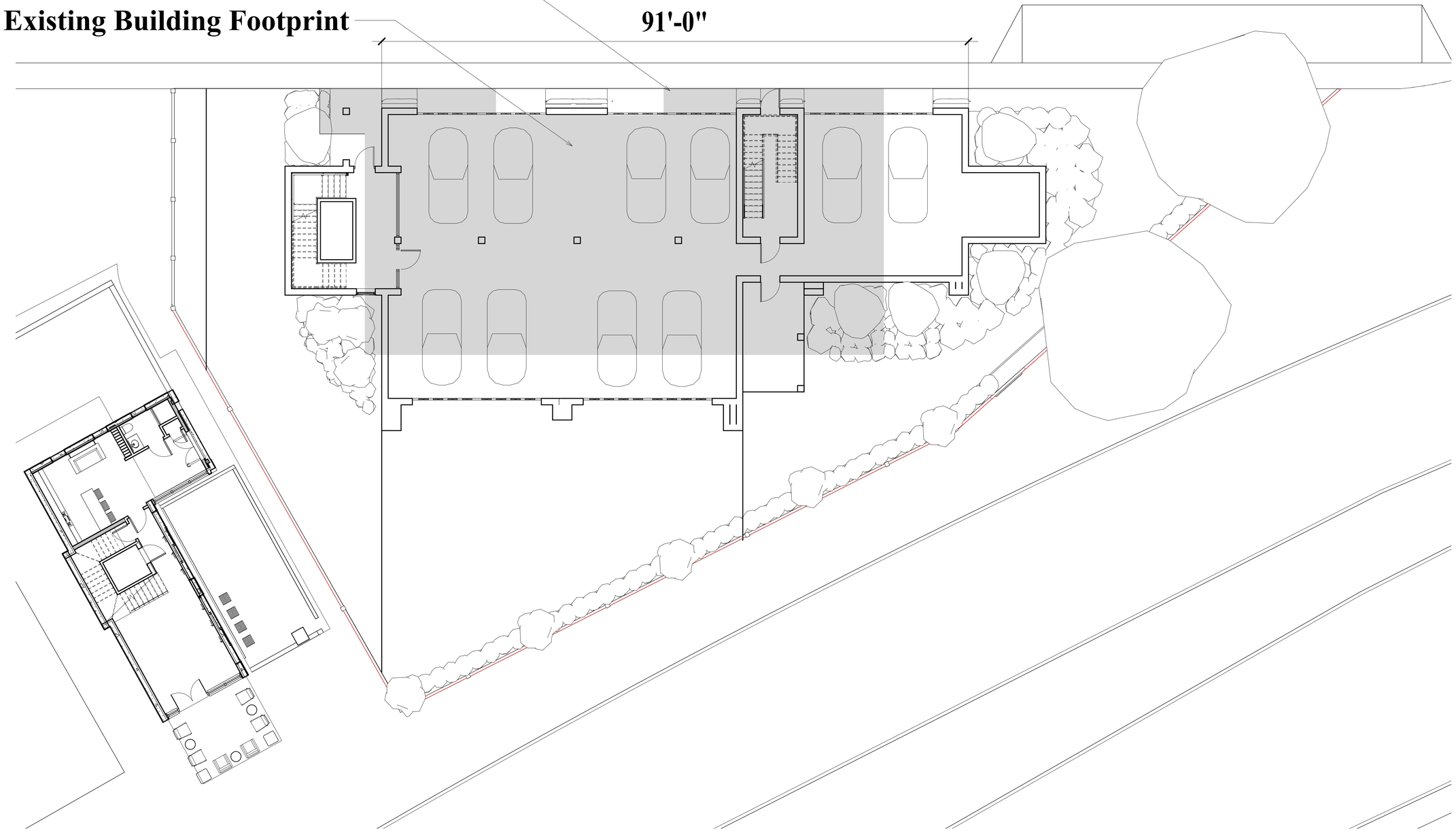
Precedent Image



Face of garage door

to edge of sidewalk





1 C- Site Plan

A201 | A106 1/8" = 1'-0"

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Seal

Consultant

No.	REVISION	DATE

Owner

TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

Project No. 0000

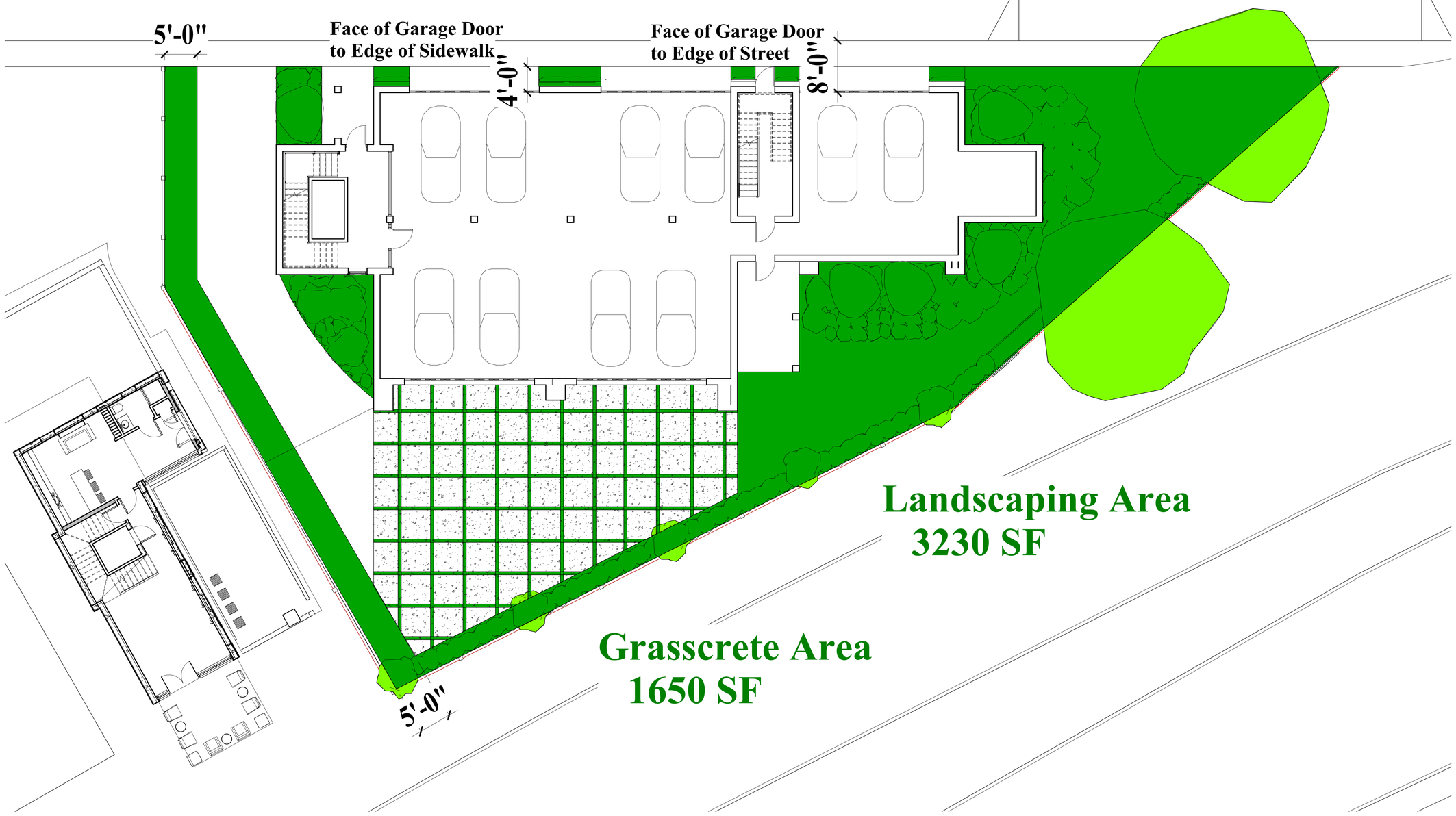
Date

Drawing Title SITE PLAN

Drawing No. A106

Existing Landscaping Area
2750 SF

Parking capacity remains the same, Spaces are shifted Eastward



1	C- Site Plan
A201 | A105	1/8" = 1'-0"

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Seal

Consultant

No.	REVISION	DATE

Owner

TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

Project No. 0000

Date

Drawing Title
SITE PLAN

Drawing No.
A105

DESIGN DEVELOPMENT - 08-21-2025

To the Chair and Members of the Architectural Review Board:

My name is Rafael Simpson, and I live at 435 E. Zaragoza St., just a short walk from the project site at 627 E. Government St. In addition to being a neighbor, I am the owner of two Pensacola businesses: Harry Roy, a downtown dining establishment on S. Palafox, and Haus of Hue, a furnishings and design store on N. 9th Avenue.

I support this project because it removes a building that has no historic or architectural value and replaces it with a design that respects the scale and rhythm of the Seville Historic District. The new building will enhance the streetscape of E. Government St. and contribute positively to the neighborhood that I both live in and care about deeply.

Specifically, I support the applicant's request for the stipulated building setback variances, the demolition of the existing non-contributing structure, and the conceptual design approval of the proposed new building.

As a business owner, I understand the importance of maintaining high standards of design in our community. This project does exactly that — it elevates the historic district by introducing architecture that is compatible, thoughtful, and enduring.

I respectfully encourage the Board to approve this application.

Respectfully,

Rafael "Raf" Simpson

Resident, 435 E. Zaragoza St.

Owner, Harry Roy & Haus of Hue

Signature: _____

Date: 8/20/25

Printed Name: Raf Simpson

NAIPensacola

To the Chair and Members of the Architectural Review Board:

I am **DeeDee Davis, Broker/Owner of NAI Pensacola, located at 24 W. Chase St., Pensacola, FL 32502.** I have worked in the Pensacola real estate market for many years, including downtown and within the Seville Historic District.

I have reviewed the petition circulated in opposition to the project at **627 E. Government St.**, and I feel it is important to correct a false impression that this project would somehow diminish surrounding property values.

Specifically, I support the applicant's request for the **stipulated building setback variances**, the **demolition of the existing non-contributing structure**, and the **conceptual design approval** of the proposed new building.

In my professional judgment, replacing a **non-contributing structure** with a **new, architecturally compatible building** will **enhance the overall desirability and value of nearby properties.**
Well-designed infill of this kind is proven to strengthen historic neighborhoods by raising standards of design and contributing to a sense of stability.

Concerns about declining property values are unfounded. The market consistently rewards high-quality architecture, sensitive redevelopment, and investments that improve the streetscape — all of which this project provides.

As a broker who understands both the historic district and the broader Pensacola market, I can state with confidence that this project will **positively impact neighboring values**, not harm them.

Respectfully
submitted,
DeeDee Davis
Broker/Owner,
NAI Pensacola
24 W. Chase St., Pensacola, FL 32502

Signature: DeeDee Davis Date: 8-20-25

Printed Name: DeeDee Davis

24 West Chase Street Suite 100 | Pensacola, Florida USA 32502 | +1 850 433 0577 | naipensacola.com

To the Chair and Members of the Architectural Review Board:

I am **Kim Simpson**, a property owner residing at **434 E. Zaragoza St.**, in close proximity to the property at **627 E. Government St.**

As neighbors, we all want what is best for Seville. This project proposes to **demolish** a building that has long been out of place and replace it with one that is designed to fit more naturally into its surroundings. The proposed design is more in keeping with the scale, character, and materials found throughout the district.

I want to clarify something important: I originally signed a petition opposing this project, but that was because I was asked to sign without being shown any images or illustrations and felt pressured to add my name. Once I had the opportunity to see the actual plans and understand what is being proposed, I reconsidered my position. I have since **formally requested that my name be removed from the petition** and asked if I could instead submit this letter of support.

Specifically, I support the applicant's request for the **stipulated building setback variances**, the **demolition of the existing non-contributing structure**, and the **conceptual design approval** of the proposed new building.

The requested setback variances do not introduce new conditions — they reflect a long-standing pattern on this site. Approval of this application means replacing a structure that detracts from the neighborhood with one that is much more appropriate and lasting.

For these reasons, I respectfully encourage you to grant approval for the requested variances.

Sincerely,
Kim Simpson
434 E. Zaragoza St.
Pensacola, FL

Signature: _____ Date: 08202025

Printed Name: Kim simpson-Browne

To the Chair and Members of the Architectural Review Board:

As residents and property owners of two nearby residential properties (**181 S. 9th Ave.** and **636 E. Government St., Unit 3**), both of which are within walking distance of the proposed project at **627 E. Government St.**, we wish to express our strong support.

This proposal would replace a structure that has no architectural or cultural significance with a building that has been designed with care and sensitivity to the surrounding historic district. The proposed scale, proportions, and materials are consistent with the neighborhood and will contribute positively to the overall appearance of E. Government St.

Specifically, we support the applicant's request for the **stipulated building setback variances**, the **demolition of the existing non-contributing structure**, and the **conceptual design approval** of the proposed new building.

Approving this project will result in a more compatible and lasting improvement to the historic district and reinforce the character of Seville as one of Pensacola's most treasured neighborhoods.

With respect,
Robert Boothe
Lauren Hayward-Boothe

Signature: _____ Date: 8-13-2025

Printed Name: Robert Boothe

Signature: _____ Date: 8-13-2025

Printed Name: Lauren Hayward-Boothe

Letter of Support / ARB Application for 627 E. Government Variance

To: City of Pensacola Architectural Review Board Chair & Members

My name is **Blake Rushing**, and I live just a stone's throw from the proposed project site at **627 East Government Street**. My wife and I deliberately chose to make our home in the **Seville Historic District** so that we could live in a walkable, mixed-use neighborhood — close to my downtown restaurant, where I serve as Executive Chef, and close enough that I can be present with my wife and children.

The Seville District offers a unique blend of historic character, neighborhood vitality, and access to public spaces like **Seville Square** and **Admiral Mason Park**, as well as the nearby **Pensacola Bayfront walking and biking paths**. These are the qualities that drew us here — and they are the same qualities that this proposed development will strengthen.

I understand that the applicant is requesting a **setback variance** to allow this project to move forward. I support this request because the design is **thoughtful, compatible with the scale of surrounding structures, and respectful of the historic district's character**. Rather than leaving an **underutilized building** in place, this project will introduce well-designed housing that enhances both the visual and functional fabric of the block.

From the perspective of both a father and a business owner, I see this project as a clear improvement: **more residents living downtown means safer streets, more support for local businesses, and a stronger sense of community.** It is exactly the kind of investment that reinforces Pensacola's long-term vitality while honoring its past.

I am proud to add my name in support of this project, and I respectfully encourage your approval of the **building setback variance request as well as the conceptual design**.

Sincerely,

Blake Rushing (Printed Name)

Date: 8/20/25

I respectfully submit this letter of support to the Chair of the ARB and to all of the ARB members.

If I may introduce myself;

I am a resident of 433 E Zarragoza Street for 2 years, and own a historic building downtown.

I am a resident of Pensacola for 45 years, and have lived in the downtown area for over 10 years.

I also serve on the UWF Historic Board.

In behalf of Brian Spencers submittal today ;

I fully support this submittal and would ask for approval of the building setback variance request, as well as the demolition of the existing building on said property.

I believe it will be an improvement both aesthetically and will fill the need for more housing downtown for young professionals. I believe this is responsible growth.

I also believe Brian Spencer is a responsible and upstanding citizen and architect, who cares deeply about the historic values of our community and has vision with sensitivity to the current and future needs of Pensacola.

I fully support the conceptual approval of 627 E Government Street.

Respectfully,

Teri Levin

Dear Brian,

You have my permission to share this letter of support for the Demolition, Building Setback Variances, and Conceptual Approval with the ARB chair and Board members at the ARB meeting on August 21, 2025. I wish I was able to voice my support in person, but I hope my opinion as a former ARB member is helpful for your project.

I believe the proposed project results in new building massing that is substantially similar to the existing non-conformity along the Bayfront frontage and actually reduces the existing non-conformity along the Government frontage.

I also believe the site presents unique conditions unlike any other site in the District and the setbacks as defined by the LDC would preclude the construction of a usable footprint for infill housing, for which the City has expressed an ongoing need. Furthermore, infill housing is the most appropriate use of the site given the residential fabric of this dead end street and the design will be a great addition to the DIstrict. Finally, I believe the variance criteria have been demonstrated as outlined by the LDC.

Thanks,

Jordan Yee

Seville Square Historic District Neighborhood Association
Position on 627 E. Government Street

ARB Meeting – August 21, 2025

OBJECT TO ALL OF THE VARIANCES, INAPPROPRIATE FOR THIS PARCEL

Setbacks & Scale

- Rear setback reduction (20' → 9' on Bayfront) eliminates green buffer and pushes mass directly onto sidewalk (part of new Bayfront redesign); not consistent with intent of district standards for green space and pedestrian scale.
- Front setback reduction (15' → 0' on Government) breaks the established rhythm of the 600 block, where all residences have visible setbacks; overhangs at 0' are not a historic feature of this block.
- Section 12-3-10 requires that setbacks reflect the development pattern of adjacent contributing structures; current proposal introduces an incompatible edge condition.

Density & Use

- Ten-unit multifamily structure (3 stories with first-floor parking) is too dense for the parcel and immediate residential context.
- First-floor parking podium creates an inactive streetscape, inconsistent with historic district's pedestrian scale.
- Section 12-3-10 (1)a: zoning regulations intend to "enhance the pedestrian scale" — podium parking undermines this intent.

Parking & Traffic

- No clear plan for off-street parking to accommodate residents or visitors; street parking in this corridor is already at capacity.
- Proposed development eliminates 62' of designated public parking which is currently located directly in front of the proposed structure.
- Three double garage doors on Government Street immediately open to the sidewalk creates a safety hazard for pedestrians. No visual clearance from the parking garage onto Government Street or view points/mirrors for traffic.
- Increased density without parking relief will negatively affect neighborhood circulation and quality of life.

Green Space & Landscaping

- Concept plan shows no meaningful green space, canopy trees, or landscaped buffers.
- Elimination of tree canopy conflicts with 12-3-10 (1)e(2) which protects shade/flowering trees as defining elements of district character.
- Section 12-3-10(e)(6) requires lots to be landscaped with "trees, shrubbery, or ground cover" — proposal is all paved, failing this requirement.*

Architectural Review Board 8/21/2025

City of Pensacola

Letter Opposing Variance Request - 627 East Government Street, Pensacola, FL

We, the undersigned residents and property owners of Seville Place Homeowners Association respectfully oppose the variance request submitted for 627 East Government Street, Pensacola, FL 32502, which seeks to:

1. Reduce the required rear yard setback from 20 feet to 9 feet;
2. Reduce the required front yard setback from 15 feet to 0 feet; and
3. Construct a three story 10-unit condominium complex with 10 parking spaces.

Reasons for Opposition:

1. **Excessive Building Scale and Density**
    - A 34-foot, three story ten unit development squeezed onto a reduced setback lot will overwhelm the scale and character of the surrounding neighborhood.
    - The reduced setbacks drastically diminish green space and buffer zones that protect neighboring properties' privacy and enjoyment.
2. **Parking Deficiency and Traffic Concerns**
    - Ten units with only ten parking spaces fails to adequately address resident and visitor parking needs. In addition to increased density, the proposed project eliminates 62 feet of designated public parking on Government Street because of the proposed garage entrances.
    - Spillover parking will burden surrounding streets, creating congestion, safety hazards, and diminished access for emergency vehicles.
3. **Negative Impact on Community Character and Property Values**
    - The zero-foot front setback eliminates the streetscape buffer and creates a looming structure directly on the sidewalk, inconsistent with the existing neighborhood pattern.

- These variances, if granted, could set a precedent for overdevelopment in an area not designed to handle it and will adversely affect current residents' property values and the quality of life.

4. **Lack of Demonstrated Hardship**

   - Variances are intended to address unique hardships related to a property's physical characteristics, not to maximize developer profits. This lot is simply too small for the proposed structure.

   - In this case, the property can be developed reasonably within existing zoning regulations without these extreme setback reductions. Our you could simply keep the building.

Conclusion

We urge the Board to uphold existing zoning standards by denying the requested variances. These regulations are in place to preserve community character, protect safety, and ensure balanced development. Approving this request would undermine those protections and harm the neighborhood we value.

Respectfully submitted,

The residents of Seville Place Homeowners Association:

612 East Government Street (Chris Carroll)

618 East Government Street (Robby and Leslie Youd)

620 East Government Street (Michael Piper)

622 East Government Street (Christy Nixon)

624 East Government Street (Kelly Greene and Charles Mielke)

626 East Government Street (Stephen and Tracey Preisser)

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Brantley, William	Architectural Review Board
MAILING ADDRESS 205 E. Intendencia Street	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Pensacola — COUNTY: Escambia	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 8/21/2025	MY POSITION IS: ☐ ELECTIVE ☑ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

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ELECTED OFFICERS:

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WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

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APPOINTED OFFICERS (continued)

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(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

X inured to the special gain or loss of my business associate, Randy Maxwell, SMP Architects;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Agenda Item 6 - 819 E. Jackson Street

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

8/21/25
Date Filed

William Brantley
Signature

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FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

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CITY: Pensacola — COUNTY: Escambia	NAME OF POLITICAL SUBDIVISION:
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Agenda Item 9 - 627 E. Government Street

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8/21/25
Date Filed

William Brantley
Signature

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Agenda Item 10 - 627 E. Government Street

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Date Filed

William Brantley
Signature

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Agenda Item 11 - 627 E. Government Street

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8/21/25
Date Filed

William Brantley
Signature

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT**)

BRANDON SANDERS — Name (print)

610 E. GOVERNMENT — Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

2. 313 W. Intendencia Street
3. 1011 N. Reus Street
4. 600 Blk N. 6th Avenue
5. 710 N. 7th Avenue
6. 819 E. Jackson Street
7. N. Jefferson Street
8. 110 E. Garden Street
9. 627 E. Government Street – variance
10. 627 E. Government Street – demolition
11. 627 E. Government Street – conceptual review
12. 500 Bayou Boulevard

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

CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT**)

DEVAN DUNCAP
Name (print)

Address

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The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable

CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Chris Carrol — Name (print)

612 E Government St — Address

<u>Please circle an Agenda # below if you desire to address the ARB. Return form to the Board Secretary prior to the start of the meeting.</u>

OPEN FORUM

NEW BUSINESS

2. 313 W. Intendencia Street

3. 1011 N. Reus Street

4. 600 Blk N. 6th Avenue

5. 710 N. 7th Avenue

6. 819 E. Jackson Street

7. N. Jefferson Street

8. 110 E. Garden Street

9. 627 E. Government Street – variance

10. 627 E. Government Street – demolition

11. 627 E. Government Street – conceptual review

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August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

LINDA Webb
Name (print)

206 S. Florida Blanca
Address

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ARCHITECTURAL REVIEW BOARD
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Christy Emmanuel — Name (print)
313 S. Florida Blanca — Address

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Rick Emmanuel
Name (print)

313 S. Florida Blanca St
Address

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OPEN FORUM

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

CODERIC MAGEE — Name (print)

609 Crown Cove 32502 — Address

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ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Stephen Fluegge — Name (print)

555 E. Government St — Address

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Lina Stephens
Name (print)

607+617 Gown Cove
Address

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ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Kevin Stephens
Name (print)

603 & 605 E Government St
Address

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT**)

Stephen Preisser
Name (print)

626 E. Government Street
Address

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CITY OF PENSACOLA
ARCHITECTURAL REVIEW BOARD
August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT)**

Tracey Reisser
Name (print)

626 E Goverment St
Address

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CITY OF PENSACOLA
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August 21, 2025

REGISTRATION TO ADDRESS ARB (**APPLICANTS <u>DO NOT</u> NEED TO FILL OUT**)

Scott Sallis — Name (print)

3014 E Government St — Address

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} speak once

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File #: 25-1053 | Architectural Review Board | 8/21/2025

LEGISLATIVE ACTION ITEM

SUBJECT:

627 E. Government Street
Pensacola Historic District / Zone HC-1 / City Council District 6
New Multifamily Residential Construction

SUMMARY:

Brian Spencer is seeking conceptual approval for a new multifamily residential structure composed of first floor parking beneath second and third floor residential space, composed of 10 units.

Recommended Code Sections:
12-3-10(1)d.2.ii.(b) Pensacola Historic District, Procedure for review, Decisions, Rules governing decisions.
12-3-10(1)e.1.i. PHD, Regulations and guidelines for any development within the historic zoning districts, Building height limit.
12-3-10(1)e.5. PHD, Regulations and guidelines for any development within the historic zoning districts, Screening.
12-3-10(1)e.6. PHD, Regulations and guidelines for any development within the historic zoning districts, Landscaping.
12-3-10(1)e.7. PHD; Regulations and guidelines for any development within the historic zoning districts; Driveways, sidewalks and off-street parking.
12-3-10(1)h.1. PHD, New construction in the historic district, wood cottages district.

ATTACHMENTS:

1. Images
2. Conceptual_Application and Materials

627 E. Government Street





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

Architectural Review Board Application
Full Board Review

Application Date: 7/31/25

***Project Address*:** **627 East Government St.**

Applicant: SMP Architecture

Applicant's Address: 205 E. Intendencia St.

Email: *brian@smp-arch.com* Phone: 850-712-2612

Property Owner: Quarter Portions LLC
(If different from Applicant)

District: ☑ ***PHD*** ☐ ***NHPD*** ☐ ***OEHPD*** ☐ ***PHBD*** ☐ ***GCD***

Application is hereby made for the project as described herein:

☐ Residential Homestead – $50.00 hearing fee

☑ Commercial/Other Residential – $250.00 hearing fee

** An application shall be scheduled to be heard once all required materials have been submitted and it is deemed complete by the Secretary to the Board. You will need to include* seven (7) *copies of the required information. Please see pages 3 – 4 of this application for further instruction and information.*

***Project specifics/description*:**
PLEASE SPECIFY IF CONCEPTUAL DISCUSSION ITEM, CONCEPTUAL REVIEW, OR FINAL REVIEW.

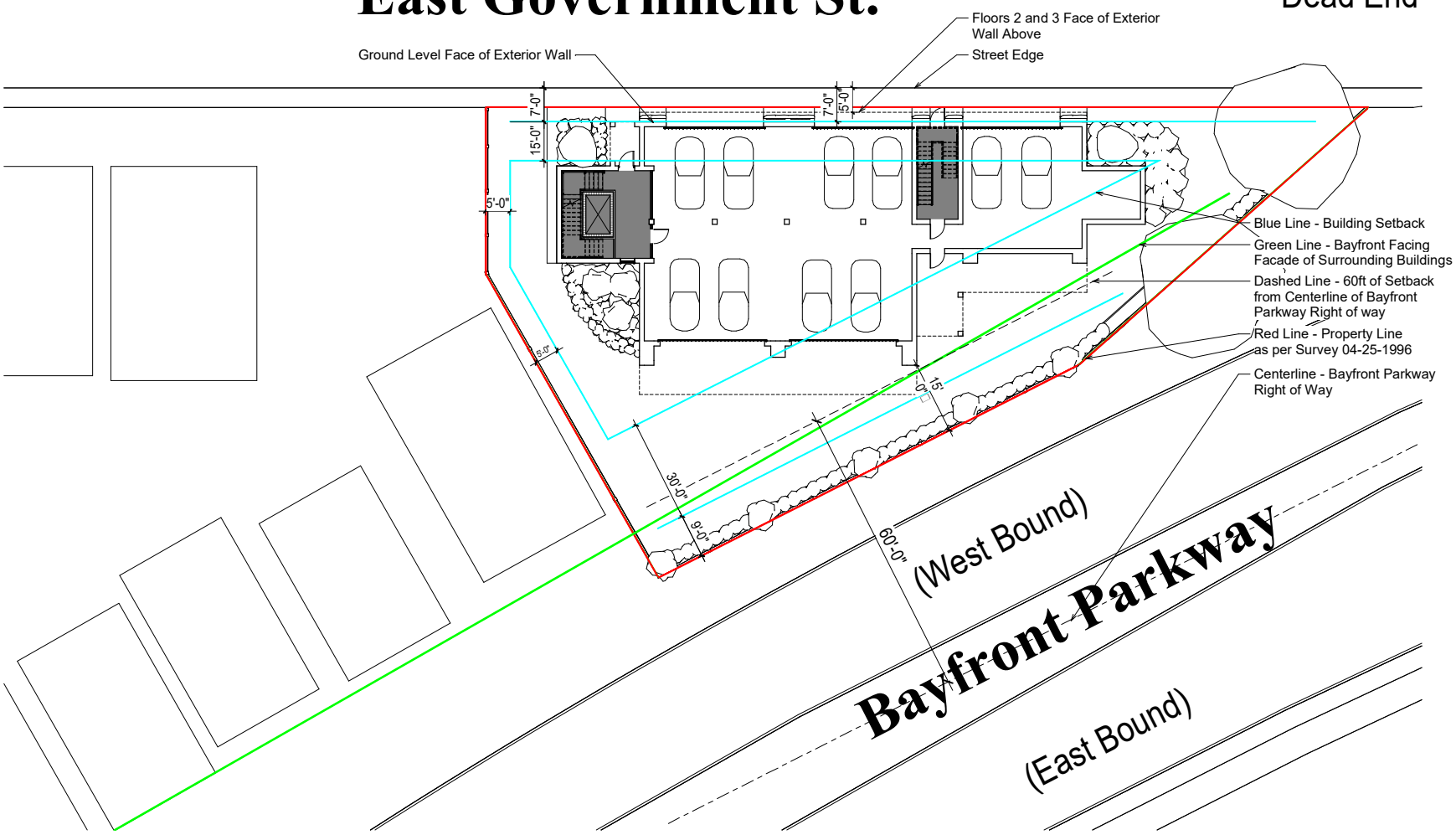
Conceptual Review

I, the undersigned applicant, understand that payment of these fees does not entitle me to approval and that no refund of these fees will be made. I have reviewed the applicable zoning requirements and understand that I must be present on the date of the Architectural Review Board meeting.

Applicant Signature

7/31/25
Date

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



1 C- Site Plan

A201 | A104 3/32" = 1'-0"

8' 4' 0' 8' 16'

8/6/2025 8:38:26 AM
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p - 850.432.7772 smp-arch.com AAC001828

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Seal

Consultant

No.	REVISION	DATE

Owner

TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

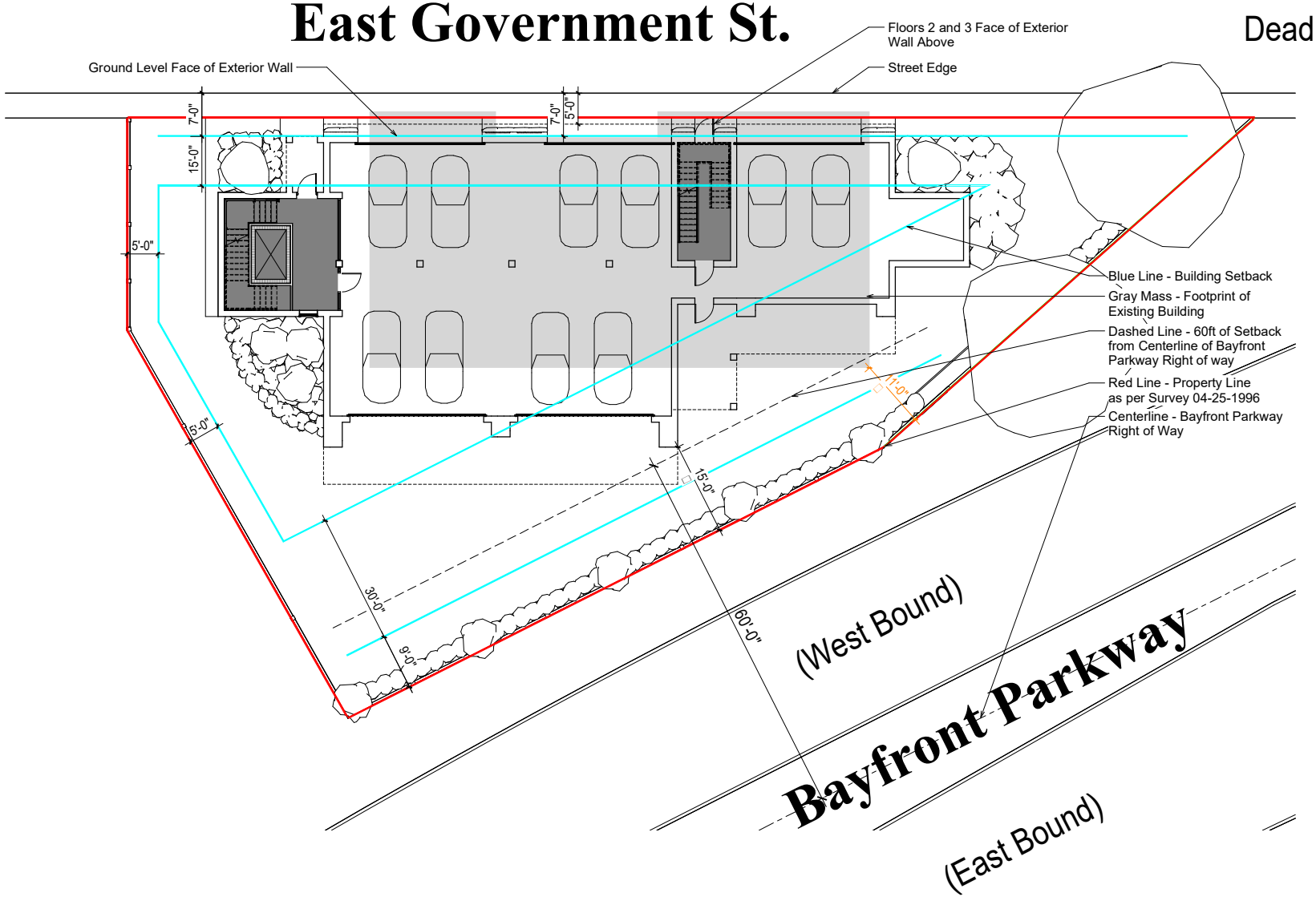
Project No. 0000

Date

Drawing Title SITE PLAN

Drawing No. A104

DESIGN DEVELOPMENT - 07-17-2025



1 C- Set Back

A201 | A103

1/8" = 1'-0"

8' 4' 0' 8' 16'

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Consultant

No.	REVISION	DATE

Owner

TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

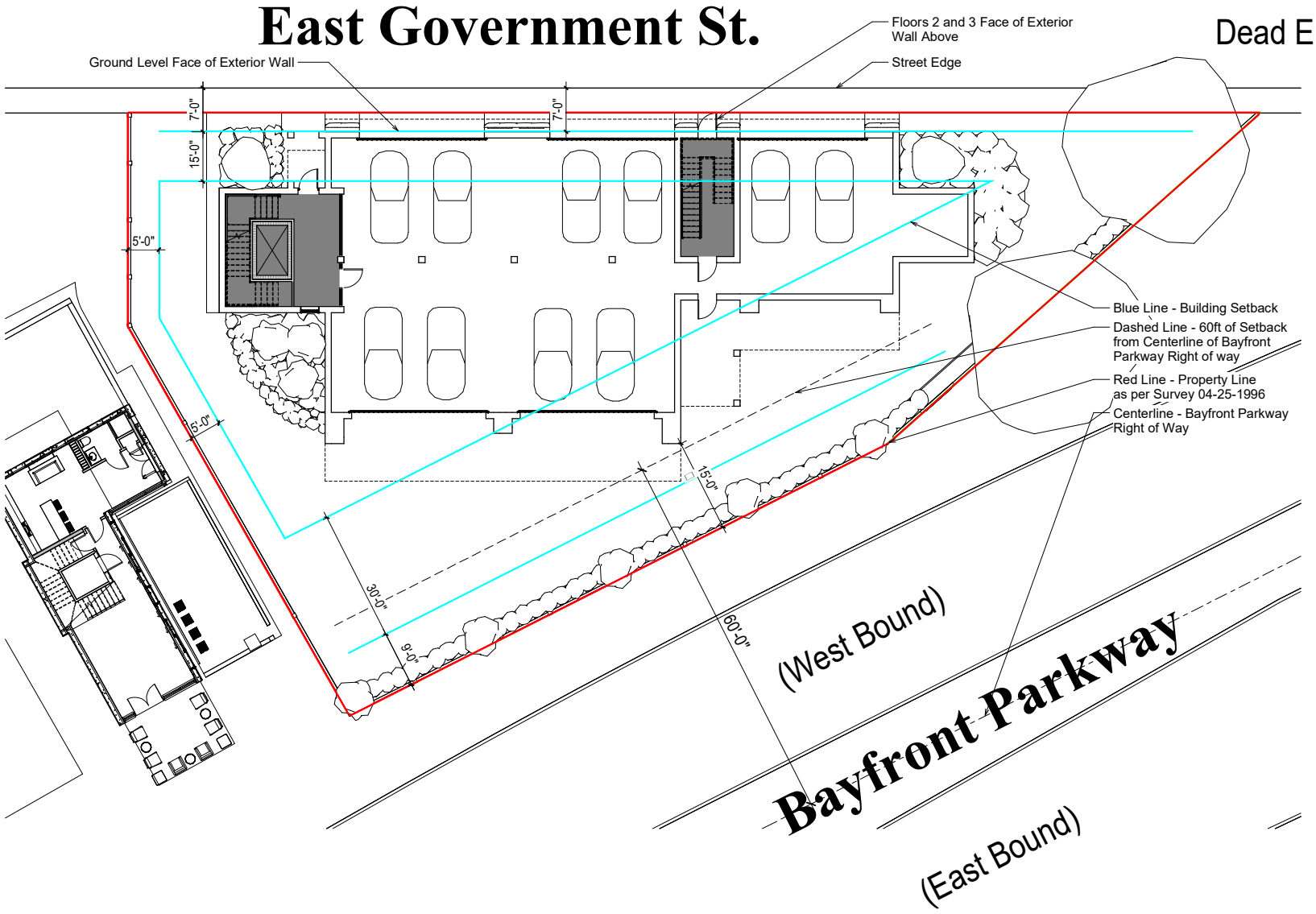
Project No. 0000

Date

Drawing Title: SET BACK

Drawing No. A103

DESIGN DEVELOPMENT - 07-17-2025



1 C- Ground Floor Plan

A201 | A101

1/8" = 1'-0"

8' 4' 0' 8' 16'

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Consultant

No.	REVISION	DATE

Owner

TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

Project No. 0000

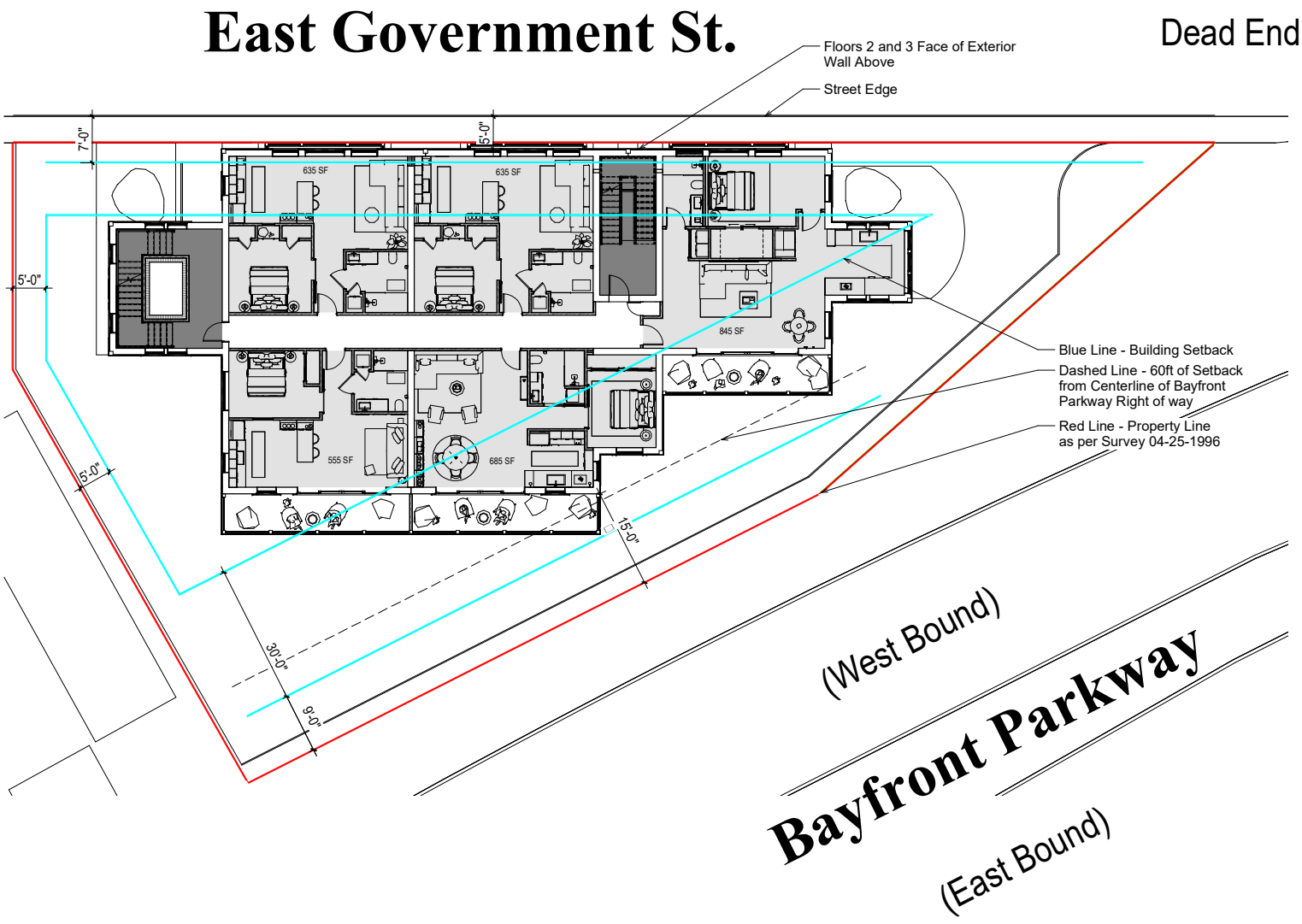
Date

Drawing Title: GROUND FLOOR PLAN

Drawing No. A101

DESIGN DEVELOPMENT - 07-17-2025

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1 C-Floor Plan

A201 | A102

1/8" = 1'-0"

8' 4' 0' 8' 16'

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Consultant

No.	REVISION	DATE

Owner

TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

Project No. 0000

Date

Drawing Title: 1ST FLOOR PLAN

Drawing No. A102

DESIGN DEVELOPMENT - 07-17-2025

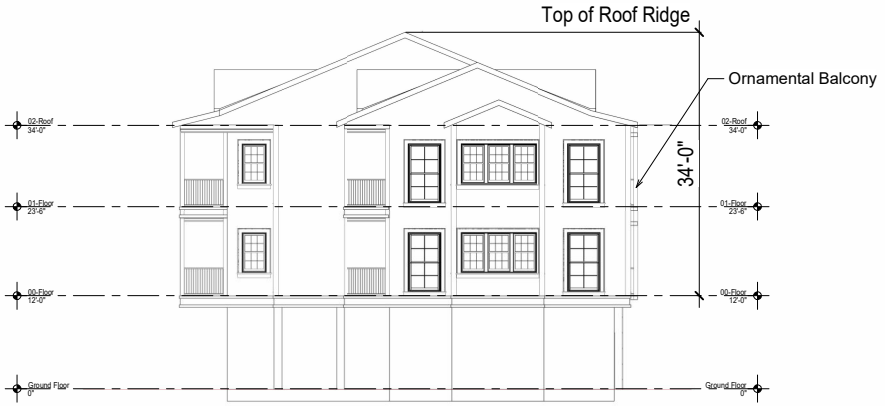
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1 EXTERIOR NEW WORK ELEVATION - NORTH -EAST GOVERNMENT ST

A101 A201 1/8" = 1'-0"

8' 4' 0' 8' 16'



2 EXTERIOR NEW WORK ELEVATION - EAST

A201 1/8" = 1'-0"

8' 4' 0' 8' 16'

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Consultant

No.	REVISION	DATE

Owner

TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

Project No. 0000

Date

Drawing Title
EXTERIOR ELEVATIONS

Drawing No.
A201

DESIGN DEVELOPMENT - 07-17-2025

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1 EXTERIOR NEW WORK ELEVATION - SOUTH - BAYFRONT PARKWAY

A102 | A202 1/8" = 1'-0"

8' 4' 0' 8' 16'



2 EXTERIOR NEW WORK ELEVATION - WEST

A102 | A202 1/8" = 1'-0"

8' 4' 0' 8' 16'

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Owner

TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

Project No. 0000

Date

Drawing Title
EXTERIOR ELEVATIONS

Drawing No.
A202

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DESIGN DEVELOPMENT - 07-17-2025









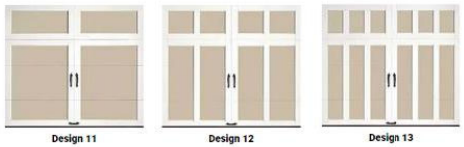






Door Designs

Series 1

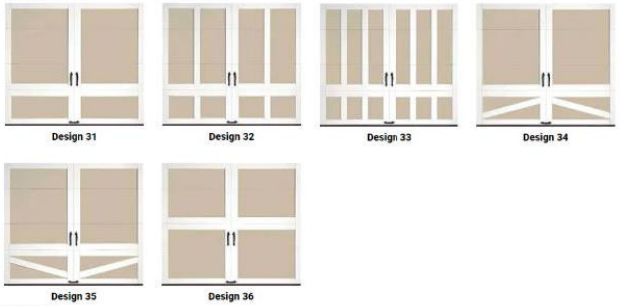


Click here to view Clopay Gallery Collection garage door looks

Series 2



Series 3



Series 4

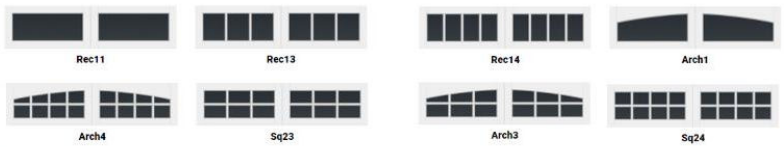


Top Sections

Windows



Solid Top Sections



Colors







100 Block South Baylen

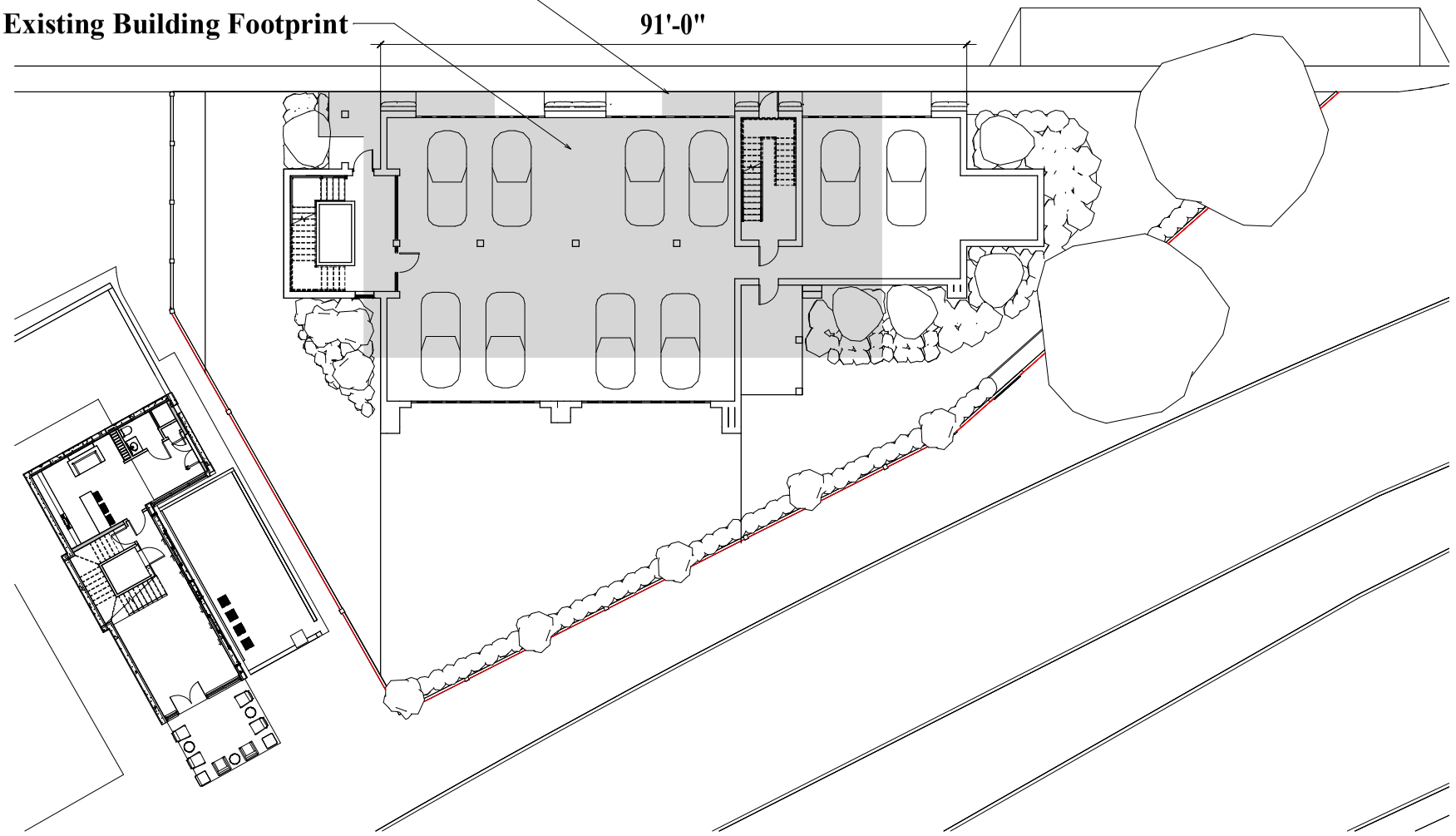
Precedent Image



Face of garage door

to edge of sidewalk





1 C- Site Plan
A201 A106 1/8" = 1'-0"

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SMP Architecture, P.A.
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Seal

Consultant

No.	REVISION	DATE

Owner

TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

Project No. 0000

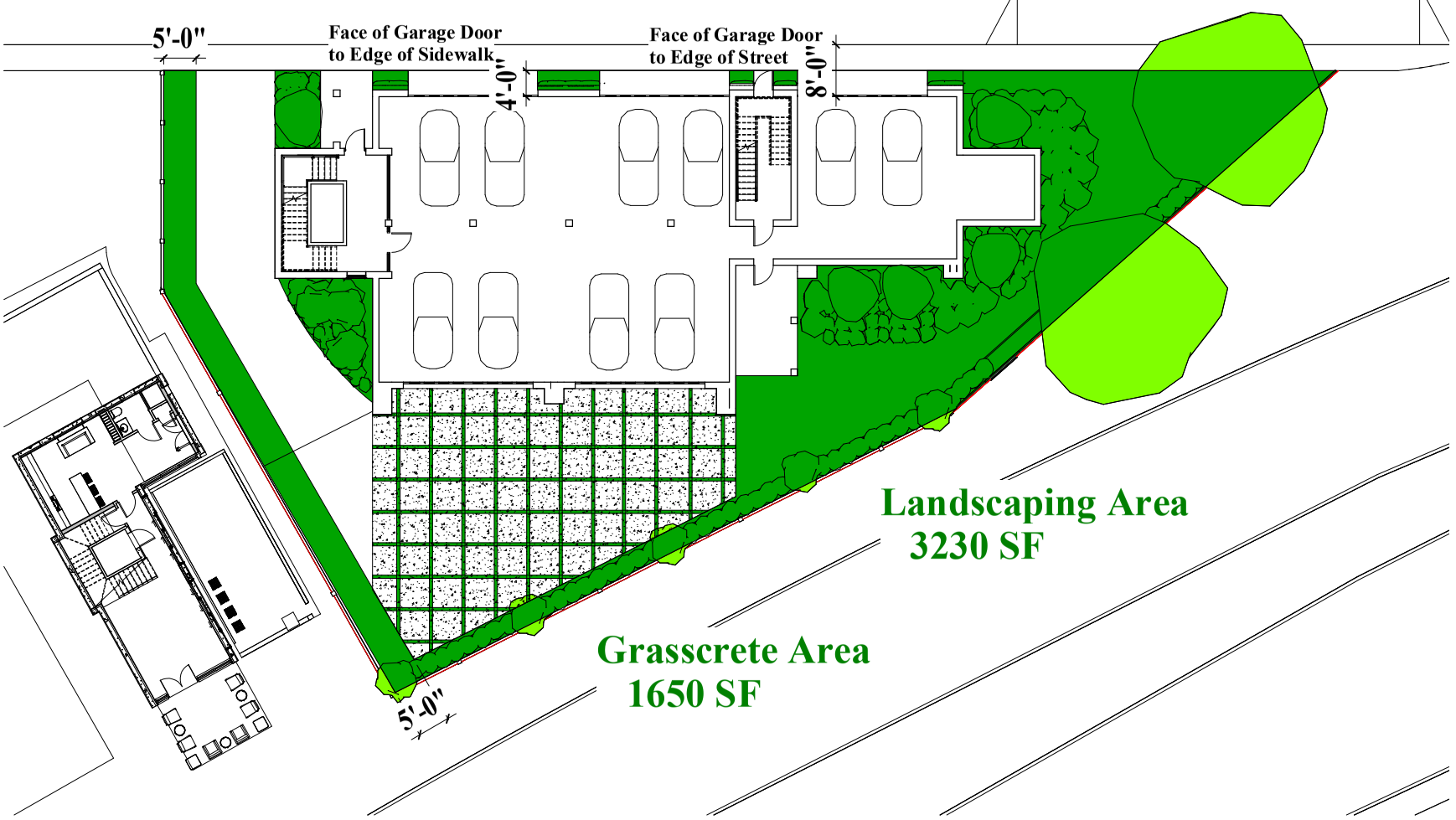
Date

Drawing Title: SITE PLAN

Drawing No. A106

DESIGN DEVELOPMENT - 08-21-2025

8/21/2025 10:40:29 AM
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1 | C- Site Plan

A201 | A 105 | 1/8" = 1'-0"

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Seal

Consultant

No.	REVISION	DATE

Owner

TRISTAN POINTE

627 EAST GOVERNMENT, PENSACOLA, FLORIDA

Project No. 0000

Date

Drawing Title: SITE PLAN

Drawing No. A105

DESIGN DEVELOPMENT - 08-21-2025

8/21/2025 11:51:46 AM
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To the Chair and Members of the Architectural Review Board:

My name is Rafael Simpson, and I live at 435 E. Zaragoza St., just a short walk from the project site at 627 E. Government St. In addition to being a neighbor, I am the owner of two Pensacola businesses: Harry Roy, a downtown dining establishment on S. Palafox, and Haus of Hue, a furnishings and design store on N. 9th Avenue.

I support this project because it removes a building that has no historic or architectural value and replaces it with a design that respects the scale and rhythm of the Seville Historic District. The new building will enhance the streetscape of E. Government St. and contribute positively to the neighborhood that I both live in and care about deeply.

Specifically, I support the applicant's request for the stipulated building setback variances, the demolition of the existing non-contributing structure, and the conceptual design approval of the proposed new building.

As a business owner, I understand the importance of maintaining high standards of design in our community. This project does exactly that — it elevates the historic district by introducing architecture that is compatible, thoughtful, and enduring.

I respectfully encourage the Board to approve this application.

Respectfully,

Rafael "Raf" Simpson

Resident, 435 E. Zaragoza St.

Owner, Harry Roy & Haus of Hue

Signature: _____

Date: 8/20/25

Printed Name: Raf Simpson

NAIPensacola

To the Chair and Members of the Architectural Review Board:

I am **DeeDee Davis, Broker/Owner of NAI Pensacola, located at 24 W. Chase St., Pensacola, FL 32502.** I have worked in the Pensacola real estate market for many years, including downtown and within the Seville Historic District.

I have reviewed the petition circulated in opposition to the project at **627 E. Government St.**, and I feel it is important to correct a false impression that this project would somehow diminish surrounding property values.

Specifically, I support the applicant's request for the **stipulated building setback variances**, the **demolition of the existing non-contributing structure**, and the **conceptual design approval** of the proposed new building.

In my professional judgment, replacing a **non-contributing structure** with a **new, architecturally compatible building** will **enhance the overall desirability and value of nearby properties.**
Well-designed infill of this kind is proven to strengthen historic neighborhoods by raising standards of design and contributing to a sense of stability.

Concerns about declining property values are unfounded. The market consistently rewards high-quality architecture, sensitive redevelopment, and investments that improve the streetscape — all of which this project provides.

As a broker who understands both the historic district and the broader Pensacola market, I can state with confidence that this project will **positively impact neighboring values**, not harm them.

Respectfully
submitted,
DeeDee Davis
Broker/Owner,
NAI Pensacola
24 W. Chase St., Pensacola, FL 32502

Signature: DeeDee Davis Date: 8-20-25

Printed Name: DeeDee Davis

24 West Chase Street Suite 100 | Pensacola, Florida USA 32502 | +1 850 433 0577 | naipensacola.com

To the Chair and Members of the Architectural Review Board:

I am **Kim Simpson**, a property owner residing at **434 E. Zaragoza St.**, in close proximity to the property at **627 E. Government St.**

As neighbors, we all want what is best for Seville. This project proposes to **demolish** a building that has long been out of place and replace it with one that is designed to fit more naturally into its surroundings. The proposed design is more in keeping with the scale, character, and materials found throughout the district.

I want to clarify something important: I originally signed a petition opposing this project, but that was because I was asked to sign without being shown any images or illustrations and felt pressured to add my name. Once I had the opportunity to see the actual plans and understand what is being proposed, I reconsidered my position. I have since **formally requested that my name be removed from the petition** and asked if I could instead submit this letter of support.

Specifically, I support the applicant's request for the **stipulated building setback variances**, the **demolition of the existing non-contributing structure**, and the **conceptual design approval** of the proposed new building.

The requested setback variances do not introduce new conditions — they reflect a long-standing pattern on this site. Approval of this application means replacing a structure that detracts from the neighborhood with one that is much more appropriate and lasting.

For these reasons, I respectfully encourage you to grant approval for the requested variances.

Sincerely,
Kim Simpson
434 E. Zaragoza St.
Pensacola, FL

Signature: _____ Date: 08202025

Printed Name: Kim simpson-Browne

To the Chair and Members of the Architectural Review Board:

As residents and property owners of two nearby residential properties (**181 S. 9th Ave.** and **535 E. Government St., Unit 3**), both of which are within walking distance of the proposed project at **627 E. Government St.**, we wish to express our strong support.

This proposal would replace a structure that has no architectural or cultural significance with a building that has been designed with care and sensitivity to the surrounding historic district. The proposed scale, proportions, and materials are consistent with the neighborhood and will contribute positively to the overall appearance of E. Government St.

Specifically, we support the applicant's request for the **stipulated building setback variances**, the **demolition of the existing non-contributing structure**, and the **conceptual design approval** of the proposed new building.

Approving this project will result in a more compatible and lasting improvement to the historic district and reinforce the character of Seville as one of Pensacola's most treasured neighborhoods.

With respect,
Robert Boothe
Lauren Hayward-Boothe

Signature: _____ Date: 8-13-2025

Printed Name: Robert Boothe

Signature: _____ Date: 8-13-2025

Printed Name: Lauren Hayward-Boothe

Letter of Support / ARB Application for 627 E. Government Variance

To: City of Pensacola Architectural Review Board Chair & Members

My name is **Blake Rushing**, and I live just a stone's throw from the proposed project site at **627 East Government Street**. My wife and I deliberately chose to make our home in the **Seville Historic District** so that we could live in a walkable, mixed-use neighborhood — close to my downtown restaurant, where I serve as Executive Chef, and close enough that I can be present with my wife and children.

The Seville District offers a unique blend of historic character, neighborhood vitality, and access to public spaces like **Seville Square** and **Admiral Mason Park**, as well as the nearby **Pensacola Bayfront walking and biking paths**. These are the qualities that drew us here — and they are the same qualities that this proposed development will strengthen.

I understand that the applicant is requesting a **setback variance** to allow this project to move forward. I support this request because the design is **thoughtful, compatible with the scale of surrounding structures, and respectful of the historic district's character**. Rather than leaving an **underutilized building** in place, this project will introduce well-designed housing that enhances both the visual and functional fabric of the block.

From the perspective of both a father and a business owner, I see this project as a clear improvement: **more residents living downtown means safer streets, more support for local businesses, and a stronger sense of community.** It is exactly the kind of investment that reinforces Pensacola's long-term vitality while honoring its past.

I am proud to add my name in support of this project, and I respectfully encourage your approval of the **building setback variance request as well as the conceptual design.**

Sincerely,

Blake Rushing (Printed Name)

Date: 8/20/25

I respectfully submit this letter of support to the Chair of the ARB and to all of the ARB members.

If I may introduce myself;

I am a resident of 433 E Zarragoza Street for 2 years, and own a historic building downtown.

I am a resident of Pensacola for 45 years, and have lived in the downtown area for over 10 years.

I also serve on the UWF Historic Board.

In behalf of Brian Spencers submittal today ;

I fully support this submittal and would ask for approval of the building setback variance request, as well as the demolition of the existing building on said property.

I believe it will be an improvement both aesthetically and will fill the need for more housing downtown for young professionals. I believe this is responsible growth.

I also believe Brian Spencer is a responsible and upstanding citizen and architect, who cares deeply about the historic values of our community and has vision with sensitivity to the current and future needs of Pensacola.

I fully support the conceptual approval of 627 E Government Street.

Respectfully,

Teri Levin

Dear Brian,

You have my permission to share this letter of support for the Demolition, Building Setback Variances, and Conceptual Approval with the ARB chair and Board members at the ARB meeting on August 21, 2025. I wish I was able to voice my support in person, but I hope my opinion as a former ARB member is helpful for your project.

I believe the proposed project results in new building massing that is substantially similar to the existing non-conformity along the Bayfront frontage and actually reduces the existing non-conformity along the Government frontage.

I also believe the site presents unique conditions unlike any other site in the District and the setbacks as defined by the LDC would preclude the construction of a usable footprint for infill housing, for which the City has expressed an ongoing need. Furthermore, infill housing is the most appropriate use of the site given the residential fabric of this dead end street and the design will be a great addition to the DIstrict. Finally, I believe the variance criteria have been demonstrated as outlined by the LDC.

Thanks,

Jordan Yee