



City of Pensacola

Zoning Board of Adjustments

Agenda

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

January 17, 2024, 3:00 PM

Hagler-Mason Conference Room, 2nd Floor

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

CALL TO ORDER / QUORUM

APPROVAL OF MINUTES

1. 24-77 ZONING BOARD OF ADJUSTMENTS MINUTES

Attachments: ZBA minutes 10.18.2023

REQUESTS

2. 24-76 ZBA 2024-001
2875 BAYOU BLVD
R-1AAAAA

Attachments: Application and materials

ADJOURNMENT

ADDITIONAL INFORMATION:

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

JUDICIAL REVIEW OF DECISION OF BOARD OF ADJUSTMENT:

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

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

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

days to remove or correct the violation.

ADA Statement:

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

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

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 850-435-1606 (or TDD 850-435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 24-77

Zoning Board of Adjustments

1/17/2024

ACTION ITEM

SUBJECT:

Zoning Board of Adjustments Minutes

ATTACHMENTS:

1. ZBA minutes 10.18.2023



Zoning Board of Adjustment

MINUTES OF THE ZONING BOARD OF ADJUSTMENT

October 18, 2023

MEMBERS PRESENT: Chairperson White, Board Member Jacquay, Board Member Shelley, Board Member Dittmar, Board Member Stepherson, Board Member Price, Vice Chairperson Weeks, Board Member Williams

MEMBERS ABSENT: Board Member Sebold

STAFF PRESENT: Planner Hargett, Development Services Coordinator Statler, Network Engineer Johnston, Network Engineer Russo

STAFF VIRTUAL: Development Services Director Morris, Assistant City Attorney Lindsay

OTHERS PRESENT: Thomas & Donne Notaro, M'Adele Carson, Elaine Martin, Tim Daniel, Theresa Yoakum, Bill Jordan

1) CALL TO ORDER/QUORUM PRESENT

Chairperson White called the meeting to order at 3:01 p.m. with a quorum present.

Chairperson White then read the ZBA rules and instructions and explained the procedures of the Board meeting.

2) APPROVAL OF MINUTES

The ZBA September 20, 2023, minutes were approved without objection by the Board.

3) ZBA 2023-018

1707 E. Scott Street

R-1AAA

Ms. M 'Adele Carson, owner, is requesting a variance to reduce the front yard setback of 30 feet to 23.8 feet to accommodate a front porch addition.

The front porch was being constructed without permits. Although the applicant made an application with the permitting department, the permit was denied due to the front yard setback encroachment.

The existing home currently measures 31.8 feet from the property line; therefore, the applicant is seeking a 6.2 feet variance.

The elevation sheets as presented by the applicant indicate how the front porch currently is constructed (5 feet plus an additional 4 feet for the stairs). Ms. Carson indicated she will be eliminating an additional step, decreasing the measurement of 4 feet to 3 feet.

The applicant, Ms. Carson, stated her name and address for the record. Ms. Carson explained the photos handed out were taken within the last few days.

Chairperson White asked the Board if they had any questions for the applicant. Chairperson White confirmed with the applicant that the porch was already constructed and commented that staff made notes in regard to one of the stairs being eliminated, Ms. Carson responded yes because she thought that would be part of the measurement to the setback line. Board Member Dittmar asked staff for clarification if 3 and half feet are not included. Development Coordinator Statler responded general speaking that was correct. Ms. Carson explained that you could not walk up the existing stairs that were previously there and there was nothing to hold to for support like a railing.

Board Member Shelley asked if she had hired a contractor to perform the work, the applicant stated she did not at first and explained she approached a contractor back in September of 2022 about repairing her deck and she then mentioned she needed a cover for her front porch but told him she did not want more than just a small cover not a full front porch. Ms. Carson further explained to the board that she had retired and was leaving for Korea and unfortunately the contractor had started the front porch area without a permit.

Chairperson White stated there were members of the audience that would like to address the board.

Ms. Elaine Martin addressed the board and stated she was the applicant's next-door neighbor and was in support of the variance.

Mr. William Jordan also addressed the board and stated he was in support of the variance and had no issues with the front porch.

Vice-Chairperson Weeks asked staff about decreasing the measurement for the steps. Development Services Coordinator Statler responded the measurement must include the steps even if eliminating one of them. Vice-Chairperson Weeks expressed the possibility of code compliance if one of the steps were eliminated.

Mr. Tim Daniel approached the board in response to the Board's concern with the steps. Mr. Daniel clarified that the bottom step could be eliminated by dropping the top tread and shifting the steps to meet the deck.

Chairperson White asks for a motion.

Vice Chairperson Weeks made a motion to approve; seconded by Board Member Dittmar.

Further discussion from the Board stating that they did not have any issues with the variance.

The motion carried unanimously, and the variance was approved.

4) ZBA 2023-019

3651 Scenic Hwy

R-1AAAA

Mr. Tim Daniel on behalf of the homeowner is requesting a reduction to the north side yard setback from 8 FT to 3 FT 10 INCHES to accommodate a carport addition.

The carport addition would give the homeowner access to the side entry of the home and allow elevator access without navigating the stairs.

The applicant, Mr. Daniel explains the reason for the variance stating due to the homeowners being in a severe car accident and has been working with them on another project for an addition to the rear. Mr. Daniel further states access to the elevator is important due to the fact that the homeowner needs wheelchair access.

After Board discussion Chairperson White asked for a motion.

Board Member Dittmar made a motion to approve seconded by Board Member Williams. The motion carried unanimously, and the variance was approved.

DISCUSSION – Board Member Elections.

Vice-Chairperson nominated Boyce White to continue as Chairperson, board members voted unanimously. Chairperson White nominated Bill Weeks to continue as Vice-Chairperson, board members voted unanimously.

ADJOURNMENT –

There being no further business, the meeting adjourned at 3:31 p.m.

Respectfully Submitted,

Planner Amy Hargett
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 24-76

Zoning Board of Adjustments

1/17/2024

ACTION ITEM

SUBJECT:

ZBA 2024-001
2875 Bayou Blvd
R-1AAAAA

SUMMARY:

Mr. Scott Bell has filed an appeal of the City's Arborist decision to issue a tree removal permit.

The appellant applied for a tree removal permit and was denied. Supporting documentation, including Mr. Kris Stultz's comments has been provided for review.

ATTACHMENTS:

1. Application and materials



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

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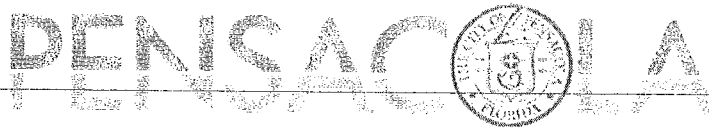
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FLORIDA'S FIRST & FUTURE

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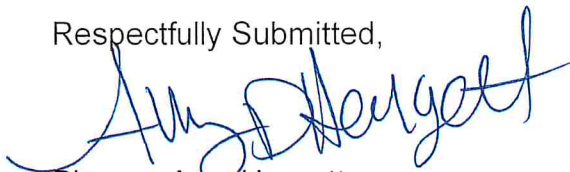
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Respectfully Submitted,



Planner Amy Hargett
Secretary to the Board

**ZONING BOARD OF ADJUSTMENT
APPEAL APPLICATION**

ZONING BOARD OF ADJUSTMENT
CITY OF PENSACOLA
222 West Main Street
Pensacola, FL 32502

REQUEST # 2024-001
HEARING DATE 1-17-24
ZONING DISTRICT R-1AAAAA
DATE RECEIVED 12-21-23
(ABOVE FOR OFFICE USE ONLY)

FEE: \$500.00 (Includes sign & notification costs)

AN APPEAL TO AN ORDER, REQUIREMENT, DECISION OR DETERMINATION made by an Administrative Official in the enforcement of the Land Development Code is hereby requested in accordance with Section 12-12-2 of the Code of the City of Pensacola.

Address or location of project, structure, land to which this appeal applies:

2875 Bayou Blvd, Pensacola, FL 32503

(See Variance Application)

Reasons and justifications for this appeal are as indicated below (or attached).

Permit the removal of a Heritage Oak to allow construction of my home. The Property has an ECUA Sewer Easement to the South and this tree is 50' to the North of the Easement. I have been through 4 iterations of Plans and I cannot maneuver the Foundation to accomodate the Tree. ECUA will not vacate the Easement. I will provide appropriate mitigation as per the City's Tree ordinance.

A fee of \$500.00 is submitted herewith along with an original and ten (10) copies of this application (including any attachments).

"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."

NAME & ADDRESS OF OWNER/PETITIONER
(Please Print)

Scott J. Bell

2875 Bayou Blvd

Pensacola, FL 32503


SIGNATURE OF OWNER/PETITIONER

950-324-1954
TELEPHONE NUMBER

DATE: 12/22/2023

Information
for the Request



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

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

ZBA
2024-001
Appendix 1

Appendix
Application

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: 2875 BAYOU BLVD, PENSACOLA, FL 32503
Current use of property: Guests House/Garage

1. Describe the requested variance(s): Removal of a 34" Heritage Oak. Permit #23-11-7589 denied 11/22/23 (attached). I am planning to build a 4,000 sq ft home onto the existing structure (see attached). B
An ECUA sewer easement (attached) restricts moving the proposed home construction southward.

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 city's main Sewer Pipeline runs through the rear of this property, severely restricting the depth of

D/12

any development and full use of the acreage (see the attached 1957 easement). 12.6.6 (2) b 3 and 4
should provide the applicant relief based on ordinance and easements not a result of applicants actions

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:

The Heritage Oak limits development towards Bayou Blvd (NNW) and the sewer easement restricts development towards Bayou Texar (SSE). We are in our 4th iteration of house plans and the tree under the best scenario still blocks driveways, egress and ingress (see attached footprint). E123

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

In 2010 we added 27 Live Oaks on this and the adjacent property which we recently sold(see attached invoice) F Four 10" caliper Live Oaks were added to this specific parcel. I am prepared to plant eight 3" caliper live oaks as required under 12.6.6 2(d)4 to mitigate this loss.

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

The ECUA sewer easement cannot be vacated, moving the home southward will not work. The current house plans have been scaled back to a depth of 42' at the center line but the tree is still in play.

Application Date: December 21, 2023

Applicant:	Scott J. Bell	
Applicant's Address:	2875 Bayou Blvd, Pensacola, FL 32503	
Email:	scottjbell@me.com	Phone: (850) 324-1954
Applicant's Signature:		
Property Owner:	SJB NO 7, LLC	
Property Owner's Address:	2875 Bayou Blvd, Pensacola, FL 32503	
Email:	marykbell@me.com	Phone: (850) 324-1954
Property Owner's Signature:		

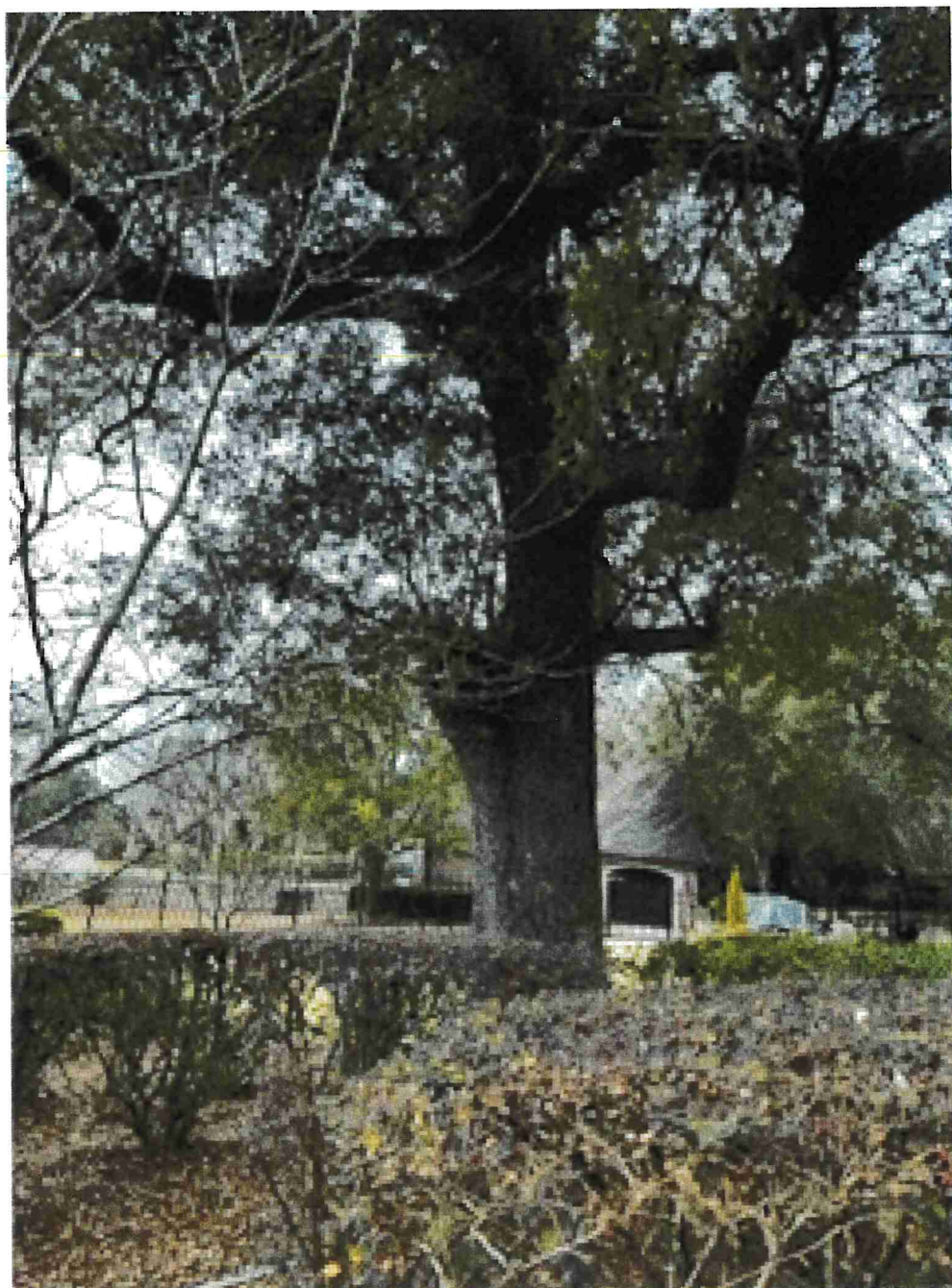
The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable modifications for access to City Services, programs, and activities. Please call 435-1600 for further information. Requests must be made at least 48 hours in advance of the event in order to allow the City time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

Variance Application

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 from 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.









**City of Pensacola Building Inspections Dept.
Plan Review Correction List**

PHONE: (850) 436-5600
FAX: (850) 595-1464

DATE: 11/22/2023

REVIEWED BY: Kristopher Stultz

JOB ADDRESS: 2875 BAYOU BLVD, PENSACOLA, FL 32503

PERMIT # 23-11-7589

To Whom It May Concern:

DATE SUBMITTED FOR REVIEW:

Corrections listed below are to be made on plans and resubmitted before a permit can be issued. The submittal of revisions does not guarantee approval, as further information may be required based on the resubmitted information.

The approval of plans and specifications does not permit the violation of any section of the current editions of the Florida Building Codes, National Electrical Code, Life Safety Code, City of Pensacola Land Development Code and Ordinances, or State Law.

Contact the Plans Examiner(s) whose name appears above at 436-5600, if you have any questions.

Engineering Division Review

The following comments have been provided by Kristopher Stultz. Should you have any questions or require additional information regarding any of these comments, please contact Kristopher Stultz at by telephone at (850) 490-4033 or by email at kstultz@cityofpensacola.com.

Heritage Tree, 34-inch DBH Sand Live oak, *Quercus geminata*, identified as the requested tree removal, will not qualify as an approved removal due to size and structural integrity of the tree.

Denial may be Appealed, Section 12-6-11 Appeal, to the Zoning Board of Adjustment.

Kristopher Stultz
Engineering

B



LAYOUT PAGE TABLE	
SHEET	DESCRIPTION
A-1	FRONT OVERVIEW
A-2	ELEVATIONS
A-3	MAIN LIVING FLOOR PLAN
A-4	ROOF PLANES OVERVIEW
A-5	ROOF OVERVIEW
SITE PLAN	SITE PLAN

CASEMENTS

SUBJECT PROJECTIONS



8 PAGE 142

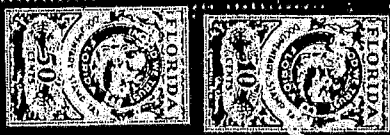
STATE OF FLORIDA
COUNTY OF ESCAMBIA

EASEMENT

THIS EASEMENT made this 5th day of July, A. D. 1957 between Mary E. Beers Unmarried woman

First Party y and THE CITY OF PENSACOLA, a Municipal Corporation, Second Party.

WITNESSETH: That the First Party in consideration of the sum of One (\$1.00) Dollar and other good and valuable consideration paid, the receipt of which is hereby acknowledged, hereby grant unto the Second Party, its successors and assigns, a perpetual easement and right-of-way for the purpose of clearing, excavating, constructing and maintaining sewerage drains in, upon and through the following described land in the City of Pensacola, Escambia County, Florida, to-wit: That part of the property described as:



The First Party y hereby grants unto the Second Party authority and license to enter upon the abutting lands claimed by the First Party y and to clear, slope and grade by cutting or filling an additional ten feet on either side of the above described Easement, which shall conform to all existing structural improvements within the limits designated without damage to the property claimed by the First Party y; all rights of the Second Party y to said additional ten feet shall cease upon completion of the contract for construction.

~~TO HAVE AND TO HOLD~~ the same unto the Second Party, its successors or assigns, together with immunity to the Second Party, its successors or assigns, from all claims for damage that may arise from or grow out of such construction and/or maintenance to the right-of-way herein conveyed, owned or claimed to be owned by the First Party y, and all lands lying adjacent to or contiguous to said right-of-way and lying within ten feet thereof. First Party y surrender (s) all claim or right to title to said lands to the Second Party, which shall be binding upon all persons claiming by, through or under said First Party y provided, however, that the First Party y reserves unto itself the right to the use of said lands for the benefit of the First Party y its successors or assigns, after said construction is completed; and provided, however, that no building or heavy construction shall be placed on or above said right-of-way which would impair, damage or impede the use of said right-of-way.

IN WITNESS WHEREOF, the First Part y has hereunto set her 30 hand and seal this 5th day of May A. D. 1957.

Signed, sealed and delivered in the presence of Mary E. Beers (SEAL) W. H. Wood (SEAL) W. H. Wood (SEAL) W. H. Wood (SEAL)

STATE OF FLORIDA
COUNTY OF ESCAMBIA

BEFORE me, the undersigned authority, this day personally appeared Mary E. Beers unmarried woman to me well known to be the individuals described in and who executed the foregoing instrument, and they severally acknowledged before me that they executed the same for the purposes therein expressed.

WITNESS my hand and official seal this 5th day of July A. D. 1957.

W. H. Wood
Notary Public

My Commission Expires: March 30, 1959

(over)

W. H. WOODS
Notary Public, State of New York
No. 60,121-340
Qualified in Westchester County
Comm. Exp. March 30, 1959

12 PAGE 357

BEG. AT A PT. ON W R-W LINE OF PERRY AVE. RD. 6997' 54" NWLY FROM N. LINE OF 15th ST. E. BENS. SWLY AT RT. ANG. 450' TO SHORE LINE OF BAYOU TEXAR FOR POS. NELY ALG. LINE BAYOU TO POS. LAST TRAVERSED 365' 74" NWLY ALG. W R-W LINE OF PERRY AVE. 125' W. AT RT. ANG. 450' TO SHORE LINE OF BAYOU TEXAR ELY ALG. SHORE LINE OF BAYOU TO POS.

Lying within 5 feet each side of the survey line as designated on the Plat recorded in O.R. Book 8 at page 742 of the Public Records of Escambia County, Florida.

It is mutually agreed that the First Party shall be exempt from payment of any sewage connection fees and up to 100 feet of service line.

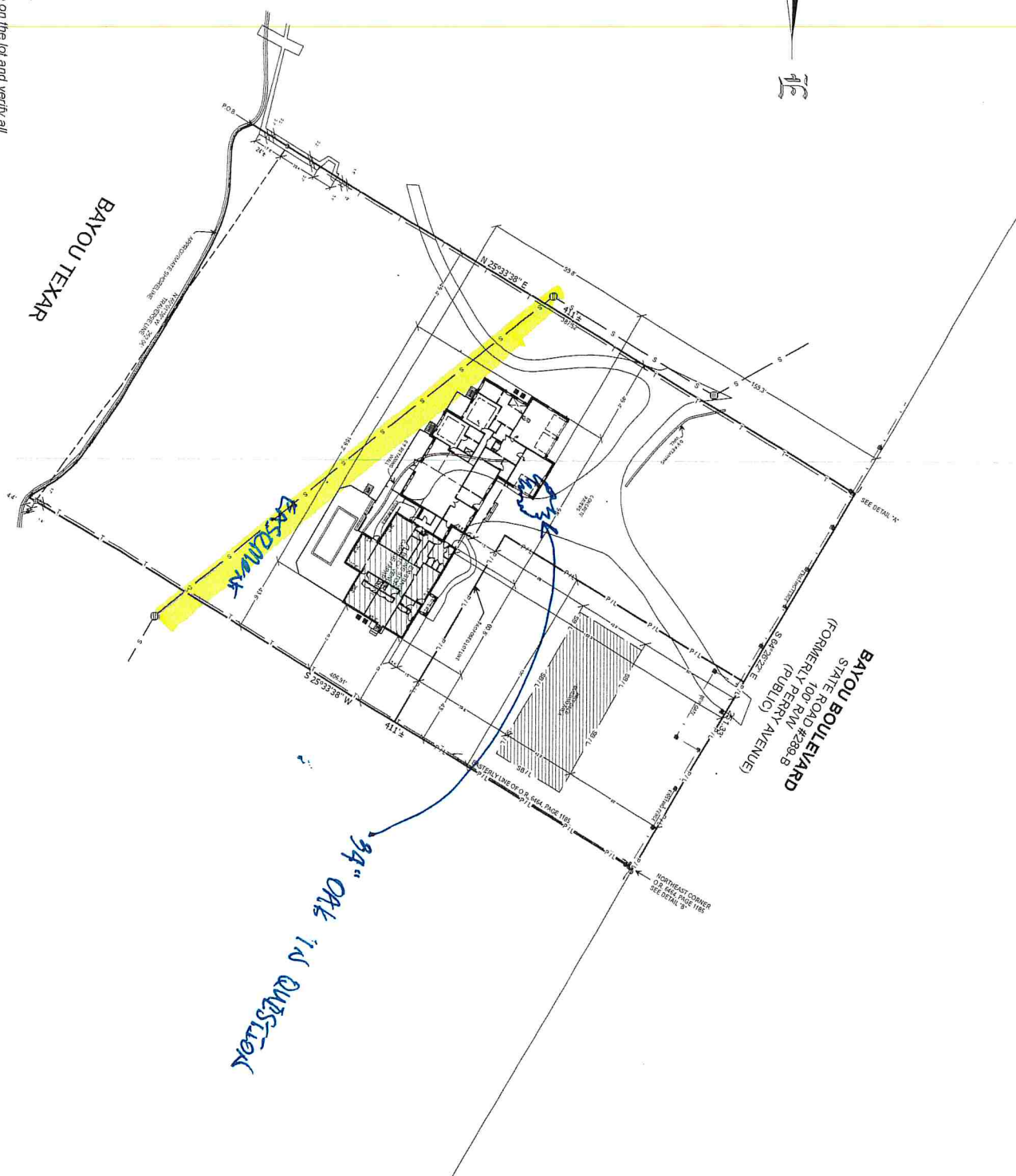
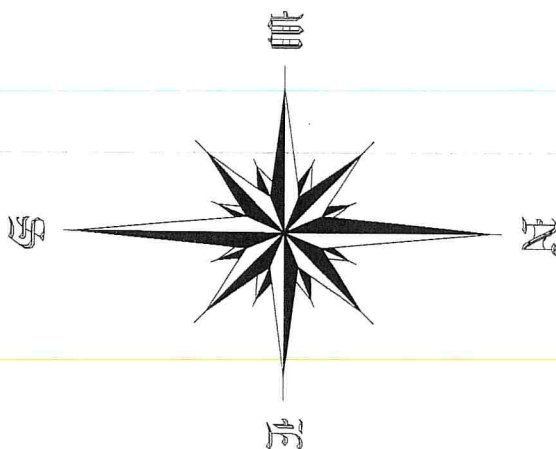
FILED
FEB 26 10 33 AM '82
CLERK OF THE CIRCUIT COURT
ESCAMBA COUNTY, FLORIDA

142049

Site Plan is based on information supplied by Owner.
HATTAWAY HOME DESIGN is not responsible for accuracy.

Consult a registered surveyor to accurately locate the house on the lot and verify all setbacks, easements, flood zones, and proper elevations prior to beginning construction.

Verify locations of and the requirements to properly hook up to all utilities: Electrical, Gas, Phone, Cable, Water, and Sewer / Septic System.



415150

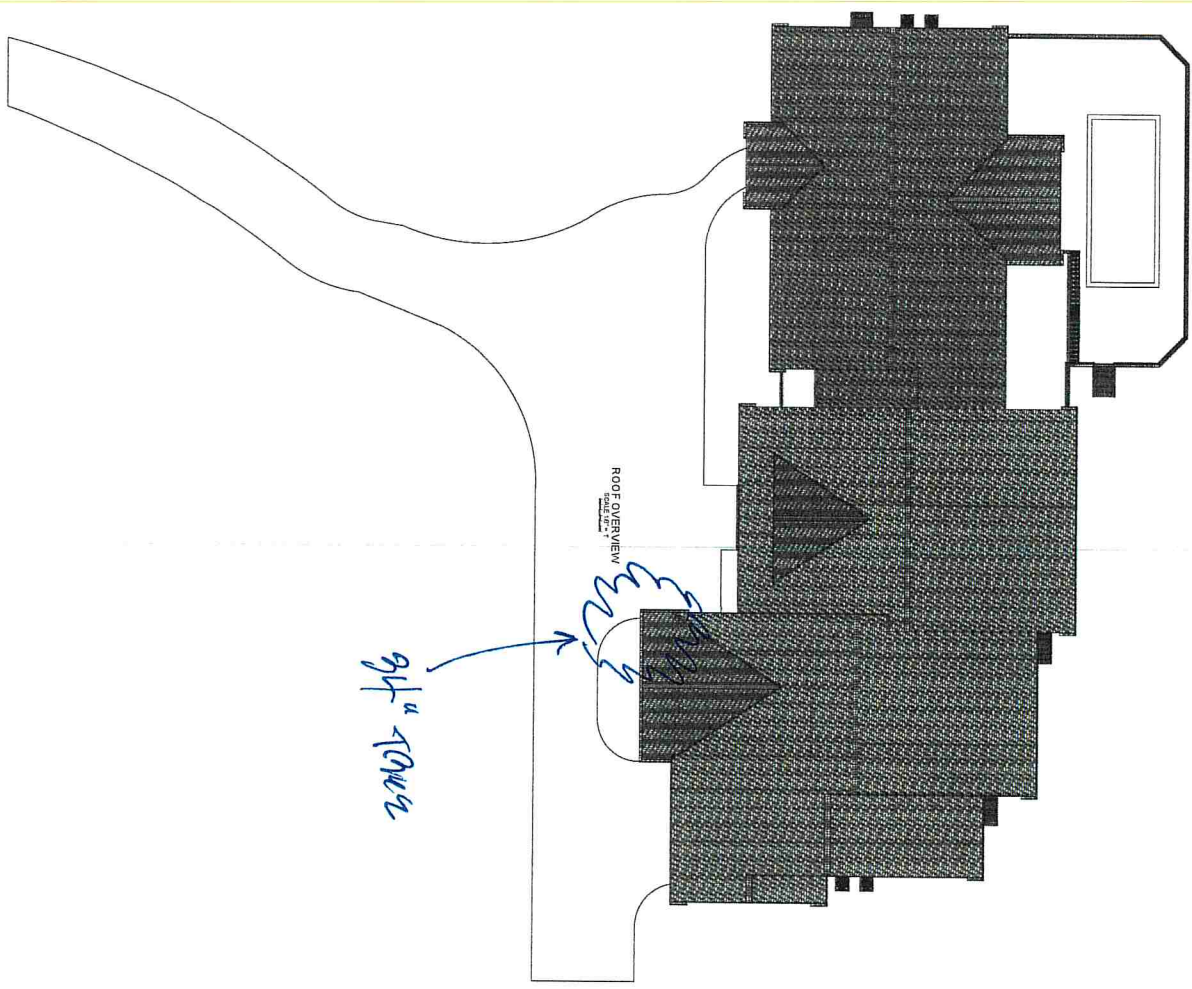
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Disigne the

SCALE 1/4" = 1'

AREA CALCULATIONS

ADDED LIVING FLOOR	4,031
EXISTING LIVING FLOOR	2,400
TOTAL LIVING	6,431
CARPENTRY	1,112
EXISTING FRONT PORCH	63
FRONT PORCH	210
OPEN FRONT PORCH	70
BACK PORCHES	574
BACK DECK	354
POOL & DECK	1,613
TOTAL	10,487



9 1/4" STAIR

ROOF OVERVIEW
SCALE: 1/8" = 1'-0"

Spectrum Tree Farms, Inc.
8142 County Road 136
Live Oak, FL 32060

Phone # 386-364-5700
Fax # 386-208-0085

E-mail
spectrumtreefarms@yahoo.com

Invoice

Date	Invoice #
2/19/2010	2325

Bill To
Scott and Marykay Bell 2000 Villafane Drive Pensacola, FL 32504

Ship To

P.O. No.	Terms	Due Date	Ship Via	Ship Date
		2/19/2010	Gregs Truck	2/19/2010
Description	Quantity	Rate	Amount	
Dogwoods	15	0.00	0.00T	
6 to 7" Cal. Live Oaks	4	0.00	0.00T	
9 to 10" Cal. Live Oaks	8	0.00	0.00T	
11 to 12" Cal. Live Oaks	10	0.00	0.00T	
12 to 14" Cal. Live Oaks	5	0.00	0.00T	
8 to 10" Cal. Winged Elms	2	0.00	0.00T	
16' Slash Pine	5	0.00	0.00T	
Red Maples	1	0.00	0.00T	
Planting Mags from Panhandle Growers	1	0.00	0.00T	
Planting of all the above.	1	138,500.00	138,500.00T	
11 to 12" Cal Live Oaks \$42.00.00 - \$1050.00	2	3,150.00	6,300.00T	
8 to 9" Live Oaks \$3600.00 - \$900.00	2	2,700.00	5,400.00T	
10 - 11" Live Oaks \$4200.00 - 1050.00	1	3,150.00	3,150.00T	
16' Slash Pine	21	100.00	2,100.00T	
Root barrier	1	195.00	195.00T	
			Sales Tax (7.0%)	\$10,895.15
			Total	\$166,540.15

Delivery-Goods travel at the purchaser's risk and expense.

Claims-All claims must be made immediately in writing upon receipt of goods.

Terms-The purchaser or his undersigned agent accept the goods herein with the understanding that payment of the amount stated to be C.O.D. or with prior approval is due and payable in full 30 days from date of invoice. If invoice is not paid when due, interest is assessed at the rate of 18% per annum. If the account is placed in the hands of an attorney for collection, the customer shall be liable for all costs of collection, including a reasonable attorney's fee or collection charges. All amounts due are payable at Spectrum Tree Farms, 8142 C.R. 136, Live Oak, FL 32060. Venue is Suwannee County, Florida.

Warranty-We give no warranty, expressed or implied, as to productiveness of the life of the goods (nursery stock) we sell. This is due to the many possible conditions that could arise that are out of our control.