

**MINUTES OF THE REGULAR MEETING OF THE ESCAMBIA
COUNTY BOARD OF ADJUSTMENT**

Regular Meeting - April 20, 2022 - 8:30 AM

Escambia County Central Office Complex

3363 West Park Place, Room 104

1. Call to Order.

Present: Willie Kirkland Jr.
Judy Gund
Auby Smith
Marty Schack
Michael Godwin
Randy Ponson
Jennifer Bass

Staff Present: Horace Jones, Director, Development Services
Andrew Holmer, Division Manager, Development Services
John Fisher, Senior Urban Planner
Kristin Haul, Deputy County Attorney
Rachel Whitmire, Administrative Assistant

Chairman Smith called the Regular Meeting of the Board of Adjustment to order at 8:32 a.m.

2. Swearing in of Staff and acceptance of staff as expert witness

3. Acceptance of the BOA Meeting Package with the Development Services Staff Findings-of-Fact, into evidence.

Motion by Board Member Willie Kirkland, Jr., Seconded by Board Member Judy Gund

Motion was made to accept the April 20, 2022, BOA meeting packet.

Vote : 7 - 0 Approved

4. Proof of Publication and waive the reading of the legal advertisement.

Motion by Board Member Judy Gund, Seconded by Board Member Willie Kirkland Jr.

Motion was made to waive the reading of the legal advertisement.

Vote : 7 - 0 Approved

5. Approval of Resume Minutes.

- A. Approval of Resume Meeting Minutes from the March 16, 2022, Board of Adjustment Meeting.

Motion by Board Member Judy Gund, Seconded by Board Member Willie Kirkland Jr.

Motion was made to accept the March 16, 2022, BOA resume Meeting Minutes.

Vote : 7 - 0 Approved

6. Consideration of the following cases:

A. **Case No.: CU-2022-05**

Address: US Hwy 29 and SR 196

Request: To allow a retail building greater than 6,000 square feet in Rural Mixed Use zoning

Requested by: Allara Mills-Gutcher, Agent for Teramore Development, LLC, Owner

No BOA member acknowledged any ex parte communication regarding this item.

No BOA member acknowledged visiting the site.

No BOA member refrained from voting on this matter due to any conflict of interest.

Motion by Board Member Judy Gund, Seconded by Board Member Jennifer Bass, as amended

Motion was made to accept staff's findings of fact and approve the conditional use request with an amendment to include building upgrades such as hardy plank.

Vote : 6 -1 Approved

Voted No : Mart Schack

B. **Case No.: CU-2022-04**

Address: 5595 Highway 95A

Request: To allow a borrow pit within 1000 feet of a residential use

Requested by: Will Dunaway, Agent for Justin Patterson, Owner

No BOA member acknowledged any ex parte communication regarding this item.

No BOA member acknowledged visiting the site.

Willie Kirkland Jr. refrained from voting on this matter due to a conflict of interest.

Motion by Vice Chairman Michael Godwin, Seconded by Board Member Marty Schack

Motion was made to accept William Merrill as an expert witness.

Vote : 6 - 0 Approved

Motion by Board Member Judy Gund, Seconded by Board Member Randy Ponson

Motion was made to accept exhibits 1 through 8 not including 5 and 6.

Vote : 6 - 0 Approved

Motion by Vice Chairman Michael Godwin, Seconded by Board Member Marty Schack

Motion was made to add exhibit 5 into the record.

Vote : 4 - 2 Approved

Voted No : Judy Gund and Randy Ponson

Motion by Vice Chairman Michael Godwin, Seconded by Board Member Marty Schack

Motion was made to accept Jerry McGuire as an expert witness.

Vote : 6 - 0 Approved

Motion by Board Member Jennifer Bass, Seconded by Vice Chairman Michael Godwin

Motion was made to not accept staff's findings and deny the conditional use request based on criteria A, D, H, and I due to the lack of information regarding the impact to surrounding uses and land.

Vote : 6 - 0 Denied

7. Discussion Items.

8. Old/New Business.

9. Announcement.

- A. The next Board of Adjustment Meeting is scheduled for Wednesday, May 18, 2022, at 8:30 a.m., at the Escambia County Central Office Complex 104, 3363 West Park Place.

10. Adjournment.

There being no further business to come before the Board, Chairman Smith declared the Regular Meeting of the Board of Adjustment adjourned at 1:36 p.m.