

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

Regular Meeting - March 15, 2023 - 8:30 AM

Escambia County Central Office Complex

3363 West Park Place, Room 104

1. Call to Order.

Present:	Willie Kirkland, Jr., Board Member Ross Padden, Board Member Auby Smith, Chairman Marty Schack, Board Member Michael Godwin, Vice Chairman Jennifer Bass, Board Member
Absent:	Randy Ponson, Board Member
Staff Present:	Andrew Holmer, Deputy Director, Development Services Christina Smith, Urban Planner I Kim Wilson, Urban Planner II Rachel Whitmire, Administrative Assistant Kristin Hual, Deputy County Attorney

Chairman Smith called the Regular Meeting of the Board of Adjustment to order at 8:30 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 Willie Kirkland, Jr., Seconded by Ross Padden

Motion was made to accept the March 15, 2023, BOA meeting packet.

Vote : 6 - 0 Approved

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

Motion by Jennifer Bass, Seconded by Willie Kirkland, Jr.

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

Vote : 6 - 0 Approved

5. Approval of Resume Minutes.

- A. Approval of Resume Meeting Minutes from the January 12, 2023 and January 18, 2023, Board of Adjustment Meetings.

Motion by Jennifer Bass, Seconded by Michael Godwin

Motion was made to accept the January 12, 2023, and January 18, 2023, BOA resume Meeting Minutes.

Vote : 6 - 0 Approved

6. Consideration of the following cases:

A. **Case No.: CU-2022-01**

Address: 5950 W Nine Mile Rd

Request: To allow on premise alcohol consumption within 1000 feet of a place of worship

Requested by: Meredith Bush, Agent for MX United, 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 Michael Godwin, Seconded by Willie Kirkland, Jr.

Motion was made to accept Mark Gibson's letter to the Board into evidence.

Vote : 6 - 0

Motion by Marty Schack, Seconded by Michael Godwin

Motion was made to accept staff's findings and approve the conditional use with the request that staff work with the applicant visual barriers on the perimeter of the property to ensure the visual site is controlled. The barrier on the perimeter of the property and eliminate all visual views on the property with an 8-foot fence allowed by law and plantings appropriate for the area to include trees and bushes. Also, to prohibit all other alcohol sales except those that have been presented by the

applicant as indoor - the license as requested.

Vote : 3 - 3 denied

Voted No : Jennifer Bass, Auby Smith, Willie Kirkland, Jr.

Motion by Jennifer Bass , Seconded by Willie Kirkland Jr

Motion was made to deny staff's findings and not approve the conditional use request based on the documents accepted into evidence, specifically on criteria d - 'nuisances and hazards' based on the evidential fact that there are two churches and a middle school in close proximity, that the restaurant will be open serving alcohol during school hours during the children getting out of school including the daycare hours at the church; and criteria h - 'site characteristics' based on the applicant stating there will be two buildings, one being a restaurant and one being retail, proposing 9000 sq ft will not fit the parking , size of the buildings, etc.

Vote : 5 - 1 Approved

Voted No : Ross Padden

B. Case No.: CU-2022-03

Address: 1405 Gulf Beach Hwy
Request: To allow a retail building greater than 6,000 square feet in High Density Mixed Use zoning
Requested by: Allara Mills-Gutcher, Agent for Carol Roloph and Mitchel Roloph, Personal Representatives of the Estate of Larry Roloph, Owner

Motion by Jennifer Bass, Seconded by Willie Kirkland, Jr.

Motion was made to accept staff's findings and grant the conditional use.

Vote : 6 - 0 Approved

C. Case No.: CU-2022-04

Address: 10001 N Palafox St and 10000 BLK Palafox Hwy
Request: To allow a bar/nightclub in Commercial zoning and on premise alcohol consumption within 1000 feet of a place of worship
Requested by: Meredith Bush, Agent for Sandra Coker, Personal

Representative of the Estate of James Killam, Owner

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

No BOA member acknowledged visiting the site.

Jennifer Bass has recused herself from voting.

Motion by Marty Schack , Seconded by Ross Padden

Motion was made accept staff's findings and grant the conditional use.

Vote : 5 - 0 Approved

7. Discussion Items.

8. Old/New Business.

9. Announcement.

- A. The next Board of Adjustment Meeting is scheduled for Wednesday, April 19, 2023, 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 11:23 a.m.