

SITE PLAN APPROVAL EXTENSION APPLICATION

INSTRUCTIONS

Prior to submitting your application packet, you must make an appointment to discuss your case. Please call 595-3475 and ask to speak with the Planner who coordinates requests to the Board of Adjustment for site plan extensions. Please be sure to bring any Referral Form issued by the planners at Town & County Plaza (if applicable.) **See meeting calendar for important deadline dates.**

In order for the extension request to proceed in a timely manner, the application forms must be completed and all items on the checklist must be submitted prior to the deadline. Any application submitted incomplete or after the deadline will not be accepted by Staff. Meeting dates and submittal deadlines may be found on the Planning and Zoning Department web site under meeting schedule. **NOTE: The Applicant or Agent must be present at the meeting.**

THE BURDEN OF PROOF FALLS UPON THE APPLICANT. Staff cannot draw the site plan, write the letter of request, or give legal advice. Fees cannot be waived and are nonrefundable regardless of the BOA's decision. *No guarantee is made for approval of the extension by the Board of Adjustment.* **An application is not considered complete until all the following information is received:**

- 1) A detailed letter of request (dated, signed & notarized), which must include the reason for the extension.
- 2) Proof of Ownership (Copy of Warranty Deed or copy of Tax Bill)
- 3) Completed application form.
- 4) Attachments listed on the checklist on page 2, (originals as indicated). If color copies are submitted, please provide 15 copies of each document
- 5) Completed certification form on page 4. If an agent is handling the request, the owner must sign the application and affidavit authorizing said agent to act in his/her behalf.
- 6) Completed Affidavit of Owner and Limited Power of Attorney, if owner is assigning agent to act in his/her behalf.
- 7) Certified Mailings, see page 6.
- 8) Copy of notice from Code Enforcement Department (if applicable)
- 9) Application fee - \$250.00. (Make check payable to Escambia County.)

NOTE: Whenever an applicant would like any County staff member to appear and testify at a hearing, advance notice is required. Both the Department and the individual staff member must be notified in writing 10 days in advance of the hearing.

EXTENSION APPLICATION
CHECKLIST

1. _____ Completed application packet
2. _____ Proof of Ownership (Copy of Warranty Deed or Copy of Tax Bill)
3. _____ Survey and Legal Description
4. _____ Site Plan
5. _____ If color documents, please include 15 copies of each.
7. _____ Letter of Request (Dated, signed and notarized)
8. _____ Extension Fee - \$250.00

**PLEASE TAKE THE TIME TO READ THE FOLLOWING
INFORMATION REGARDING HEARING PROCEDURES**

Hearings before the Board of Adjustment are quasi-judicial, which are like evidential hearings in a court of law, but less formal. Nonetheless, all public testimony is taken under Oath and everyone testifying before the BOA is subject to cross-examination. All documents and exhibits the BOA considers are entered into evidence and made part of the record of the hearing. The giving of testimony or opinion testimony is limited to experts and closing arguments are limited to the evidence of record. After hearing testimony and arguments for and against the proposed action and before making its decision, the BOA considers relevant testimony, exhibits entered into evidence and applicable law.

All decisions by the BOA are final and appealable. This means that anyone who seeks judicial review of the Board's decision must file an appeal in a court of competent jurisdiction within 30 days of the decision of the BOA. Section 2.04.02 of the Escambia County Land Development Code states that, "Because decisions of the BOA are final, unless overturned by a court of competent jurisdiction, the county may issue development permits for properties in accordance with the decisions of the BOA. However, if a property owner or applicant requests the issuance of any such permit and such permit is issued, the permittee, and not the county, shall bear any risk that such decision may be set aside, the permit may be revoked, or the development may be otherwise enjoined by the reviewing court."

EXTENSION APPLICATION

Owner's Name: _____

Address: _____

City: _____ State: _____ Zip _____

Telephone: () _____ - _____ Fax: () _____ - _____

LOCATION OF PROPERTY

Street Address: _____

Subdivision Name: _____

Property Reference Number: (Can be obtained at the Property Appraiser's Office at 434-2735)

Section _____ Township _____ Range _____ Parcel _____ Lot _____ Block _____

DESCRIPTION OF REQUEST – Cite Applicable LDC Sections(s)

FOR OFFICE USE ONLY:

Application Number EX-_____ Taken by _____

Zoning _____ Future Land Use _____

Board of Adjustment Meeting Date _____

Fees Paid _____ Receipt # _____ Date _____

EXTENSION APPLICATION

CERTIFICATION FORM

By my signature, I hereby certify that:

- 1) I am duly qualified as owner or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- 2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
- 4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection; and
- 5) I authorize placement of a public notice sign(s), if such is required, on the property referenced herein at a location(s) to be determined by County staff.

Signature of Owner

Date

Signature of Agent

Date

Name of Agent: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: () _____ - _____ Fax #: () _____ - _____

**STATE OF FLORIDA
COUNTY OF ESCAMBIA**

The foregoing instrument was acknowledged before me this _____ day of _____, year of _____, by _____, who () did () did not take an oath. He/she is () personally known to me, () produced Florida/Other Driver's License, and/or () produced current _____ as identification.

Signature of Notary Public

Name of Notary Public Printed Date

My Commission Expires

Commission Number – Notary Seal must be affixed

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at _____, Pensacola, Florida, Property Reference Number _____, I hereby designate _____, for the sole purpose of completing this application and making a presentation to the Board of Adjustment to request an Extension.

This Limited Power of Attorney is granted on the _____ day of _____, the year of _____, and is effective until the Board of Adjustment has rendered a decision on this request and any appeal period has expired. The owner reserves the right to rescind this Limited Power of Attorney at any time with a written notarized notice to the Development Services Bureau.

Signature of Property Owner

Printed Name of Property Owner

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this _____ day of _____, year of _____ by _____

who () did ()did not take an oath. He/she is () personally known to me, () produced Florida/Other Driver's License, and/or () produced current _____ as identification.

Signature of Notary Public

Name of Notary Public Printed

Date

My Commission Expires

Commission Number – Notary Seal must be affixed

SITE PLAN APPROVAL EXTENSION REQUIREMENTS
CERTIFIED MAILINGS

I FURTHER CERTIFY THAT I AM FULLY AWARE THAT IT IS MY RESPONSIBILITY AS THE APPLICANT AND/OR AGENT TO PROVIDE TO THE PLANNING AND ZONING DEPARTMENT AT MY EXPENSE:

- A. **A certified list of the current property owners whose property is contiguous to the subject property requesting a variance. (From a company licensed to do such work, at the applicant/agent's expense.)**

- B. **ADDRESSED AND STAMPED (not metered) envelopes, with completed certified mail cards, return receipt requested, and payment receipts, showing the names and addresses of those on the above referenced list. An envelope for the applicant and/or agent should be included. **To be secured at the applicant's/agent's expense.** The return address to be used is:**

Development Services Bureau
1190 W. Leonard Street
Pensacola, Florida 32501

I AM AWARE THAT PUBLIC HEARING NOTICES FOR THE REQUEST SHALL BE PROVIDED, FOR MAIL-OUT PURPOSES, BY THE DEVELOPMENT SERVICES BUREAU.

Owner's signature

Date

Agent's signature

Date

DEVELOPMENT ORDER EXTENSION CRITERIA

2.05.05. *Extension of a Development Order for Site Plan Approval.* The BOA may grant one extension for a maximum of 12 months to the original effective period of 18 months for a development order for a site plan and its accompanying certificate of occupancy. A written request from the applicant must be provided prior to the expiration date of the development order. **The BOA shall grant an extension to a development order and its accompanying certificate of concurrency only if the extension request complies with the following requirements:**

- A. No building permit or land-disturbing permit has been issued for the site plan parcel;**
- B. Written application for the extension was submitted prior to the expiration of the development order; and**
- C. The applicant demonstrates that obtaining county permits for the approved development was delayed by conditions not under the control of the applicant; including but not limited to:**
 - 1. An act of God, natural disaster or fire.**
 - 2. Required state or federal permits delayed by issuing agencies.**
 - 3. Labor strike or civil unrest.**
 - 4. Lawsuit or other legal actions.**
 - 5. Extended illness or death of an individual essential to the development or construction process.**

GUIDELINES REGARDING TESTIMONY BEFORE THE ESCAMBIA COUNTY BOARD OF ADJUSTMENT

On March 28, 1996, the Escambia County Board of County Commissioners adopted Resolution No. R96-34 creating rules of procedure in accordance with Florida Law following the Florida Supreme Court's decision in *Brevard County v. Snyder*, 627 So.2d 649 (Fla. 1993). A copy of Resolution No. R96-34 can be obtained from the Clerk to the Board of County Commissioners. The following procedural rules govern testimony provided in a quasi-judicial proceeding:

5.4 Laymen and Expert Witnesses: The following rules of evidence shall serve as a Board's guideline when determining how much weight should be afforded the testimony received in a Quasi-Judicial proceeding:

- (a) General: The Board shall not consider the testimony of a witness unless:
 - (1) The witness has personal knowledge of the facts to which the witness will testify, and
 - (2) In the case of testimony consisting of opinions or inferences, the testimony is qualified under paragraph 5.4(b) or (c).
- (b) Layman Witnesses: Testimony of a witness other than an Expert witness is qualified under paragraph (b) only if:
 - (1) The witness cannot readily, and with equal accuracy and adequacy, communicate what he perceived to the Board without testifying on the form of opinions or inferences: and
 - (2) The opinions and inferences do not require a special knowledge, skill, experience or training.
- (c) Expert Witnesses: Testimony of an Expert witness is qualified under this paragraph (c) only if the Board determines:
 - (1) Whether the subject matter is proper for Expert testimony because scientific, technical, or other specialized skill will help the Board understand the evidence being presented, or help to establish a fact in issue; and
 - (2) Whether the witness is adequately qualified to express an opinion on the matter.
- (d) Qualifying a Witness as an Expert: For purposes of paragraph (c) of this section, a witness is qualified as an Expert Witness only if the Board determines so in accordance with the following procedure:
 - (1) An Interested Party has the burden of requesting, and this request shall be made prior to proffering the testimony, the Board to make a determination the witness is an Expert;
 - (2) By majority vote, the Board will determine whether the witness satisfies the criteria in section 5.4(c), supra;
 - (3) If the Board determines the witness is qualified to testify as an Expert, the witness will testify and be cross-examined for the record and the Board may give weight and consideration to the Expert's opinion; or
 - (4) If the Board determines that the witness does not qualify to testify as an Expert, or if an Interested Party fails to request the Board to determine the qualifications of the Expert in accordance with this paragraph, the witness may still testify and be cross-examines for the record, however, the Board shall not give any weight or consideration to the opinion of the witness.

5.5 Qualifications of County Staff: County Staff members testifying before a Board in a Quasi-Judicial proceeding must:

- (a) State for the record their qualifications, or
- (b) Place on record a resume listing their qualifications.