



Santa Rosa County Development Services



Beckie Cato, AICP
Planning and Zoning Director

Tony Gomillion
Public Service Director

John T. "Tim" Tolbert
Building and Fire Official

MEMORANDUM

TO: Board of Adjustments
FROM: Beckie Cato *BC*
DATE: April 21, 2011
RE: Bill Salter Advertising Appeal

BOA Authority to Consider Appeals

LDC Section 2.03.01.B-D gives the Board of Adjustments the authority to consider appeals of administrative decisions related to the Land Development Code.

Subject of Appeal

The subject of this appeal is the revocation of the zoning approval (or development order) for a billboard to be located near the intersection of Woodbine Road and Highway 90.

Basic Permitting Process for Billboards

The Santa Rosa County LDC (or zoning code) requires that off-premise signs, or billboards, must be separated by at least 2,000 feet when measured along the same side of the road.

To construct a billboard on a state road in Santa Rosa County, a minimum of three approvals are required: County zoning approval; County building permit; and Florida Department of Transportation approval (referred to as State tags). County and state review and approval processes can be done simultaneously and are not dependent upon each other.

The process for the County portion of the process is to apply for zoning approval first, followed by building permit approval. Upon receipt of a zoning application, a planner will review it for compliance with the LDC including the 2,000 foot spacing requirement. If the code requirements are correctly addressed, the planner will issue a zoning approval. The zoning approval is valid for a period of 12 months. Importantly, this is the point in the process where a site is "locked in." In other words, if an applicant has

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6051 Old Bagdad Highway, Suite 202 Milton, Florida 32583
www.santarosa.fl.gov
Office: (850) 981-7000

zoning approval for a site, then no other billboard zoning applications can be approved within 2,000 feet on either side of that location.

The applicant may then apply for a building permit any time within that 12 month period. Upon receipt of the building permit application, a plans examiner will review the application for compliance with the Florida Building Code. If the building code requirements are correctly addressed, a building permit will be issued. As long as a building permit is active, the zoning approval also remains active.

Note that there are situations that allow for the extension of a zoning approval or building permit time limit; however, the basic process remains the same.

When an applicant has both their County building permits and their State tags they may then construct the sign.

Particulars of this Case

This case involves two properties located very close to each other on the northeast corner of Hwy 90 and Woodbine Road. The first property (Parcel A) is leased by Southeast-SD, LLC, represented by Hal Stevenson, for the purpose of locating a billboard. The second property (Parcel B) is leased by Bill Salter Advertising, again for the purpose of locating a billboard.

Zoning approval was granted for Parcel A in March 2009, with an extension granted in March 2010. A building permit for Parcel A was approved in May 2010, with an extension granted which placed the expiration date in May 2011.

Also in May 2010, an application for zoning approval was received for Parcel B but was denied because of the zoning approval in place for Parcel A.

In February 2011, Steve Salter, representing Ellis Crane Works (the contracting company for Parcel A), cancelled the building permits for Parcel A. With the permits cancelled, the potential sign locations nearby become available for approval.

In early March 2011, zoning approval was applied for and approved for Parcel B.

On March 23, 2011, Hal Stevenson called Joshua Dault with the Planning Department. He indicated that he had received his State approval and was ready to construct his sign. He was unaware that the permits for his sign were cancelled the previous month.

On March 25, 2011 Rhonda Royals, Deputy Building Official, reviewed the forms related to this case, including the Authorization for Permits, and determined that the person who cancelled the permits for Parcel A did not have the proper authority to do so. She conferred with Tim Tolbert, County Building Official, and they agreed that the building permits for Parcel A should be reinstated with the expiration date remaining May 2011.

Due to the LDC spacing restriction on billboards, the reinstatement of building permits for Parcel A necessarily resulted in an automatic revocation of the zoning approval for Parcel B and Bill Salter was advised accordingly. **That action is the administrative decision now being appealed.**

Encl: Letter of Revocation
Letter of Appeal
Building Official's memorandum regarding reinstatement of permits
Authorization for Permits form



Beckie Cato, AICP
Planning and Zoning Director

Santa Rosa County Development Services

Tony Gomillion
Public Service Director



John T. "Tim" Tolbert
Building and Fire Official

March 28, 2011

Bill Salter Advertising, Inc.
P.O. Box 761
Milton, FL 32572

Dear Mr. Salter,

I regret to inform you that the zoning approval for your sign application number 2011-SP-003 has been revoked.

An off-premise sign was previously approved for the parcel of land adjacent to your project site. A request to cancel the permits for that sign was submitted to our office, resulting in the zoning approval being approved for your proposed location.

We recently learned that the person who requested the permit cancellation for the adjacent site was only authorized to obtain permits for the licensee but not to cancel them; therefore, the sign permit for that site has been reinstated. Due to the off-premise sign spacing requirements in our Land Development Code, it was necessary to revoke the zoning approval for your application.

Sincerely,

A handwritten signature in cursive script that reads "Beckie Cato".

Beckie Cato
Director
Community Planning, Zoning and Development Division

cc: FDOT

LINDSAY & ANDREWS
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REPLY TO:
POST OFFICE BOX 586
MILTON, FLORIDA 32572

April 11, 2011

Rebecca Cato, AICP
Director
Community Planning, Zoning
and Development
Development Services Center
6051 Old Bagdad Hwy, Suite 202
Milton, FL 32583

Re: Sign Application Number 2011-SP-003;

Dear Ms. Cato:

Please be advised that BILL SALTER ADVERTISING, INC. hereby appeals the revocation of Sign Application Number 2011-SP-003 on the grounds that the appealed action is arbitrary and capricious, not supported by fact, or the applicable ordinances and constitutes a denial of due process.

Please transmit the applicable record to the Board of Adjustments. Let me know when the hearing will be scheduled.

Sincerely,



Roy V. Andrews

RVA/par

cc: Angela Jones, Santa Rosa County Attorney
Santa Rosa County Zoning Board of Adjustments



Santa Rosa County Development Services



Beckie Cato, AICP
Planning and Zoning Director

Tony Gomillion
Public Service Director

John T. "Tim" Tolbert
Building and Fire Official

MEMORANDUM

TO: Board of Adjustments
FROM: Tim Tolbert, Building Official
DATE: April 26, 2011
RE: Bill Salter Advertising Appeal

Permitting Decision

A key piece of information related to the above referenced appeal is the Building Inspection Department's "Authorization for Permits" form (enclosed). This form allows a licensed contractor to authorize another person to sign for permits in their name. In this case, James Hopmeier, d/b/a/ Ellis Crane Works, Inc., was the licensed contractor and he authorized Steve Salter, Nancy Ellis, and Jon Ellis to sign for permits in his name.

As noted above, the "Authorization for Permits" form is important. The language specifically says "This is to certify that the person(s) whose signature(s) appears below is/are employed by me and is/are authorized to sign for permits in my name." Furthermore, as defined in Section 102.9 of the Building Code Ordinance (2006-37) an "Authorized Agent" is defined "*as a person specially authorized by the holder of a certificate of competency to obtain permits in his stead.*"

After review of the form, I determined that this authorization is an affirmative statement meaning that authorization is given to obtain permits and does not specify that the same individuals are authorized to cancel a permit; therefore, since the form did not authorize the contractor's agent to cancel a permit the decision was made to reinstate the sign permit for Parcel A.

In closing, this is the first incidence I am aware of in which the cancellation of a permit without the property owner's knowledge resulted in the loss of property rights. Because the permit was cancelled for Parcel A, a zoning approval was given for Parcel B with the result that the owner (and in this case the lessee) of Parcel A lost their right to construct a billboard at that location.

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Santa Rosa County Building Inspection Department

Santa Rosa County Public Service Center

6051 Old Bagdad Highway, Room 202

Milton, Florida 32583

John T. "Tim" Tolbert
Building Official

Telephone
850.981.7000
Fax 850.623.1208

Rhonda C. Royals
Deputy Building Official

Authorization for Permits

This is to certify that the person(s) whose signature(s) appears below is/are employed by me and is/are authorized to sign for permits in my name.

Steve Salter
(Print Name)

Steve Salter
(Signature)

Nancy Ellis
(Print Name)

Nancy Ellis
(Signature)

Jon Ellis
(Print Name)

Jon Ellis
(Signature)

I further submit that I am knowledgeable of Chapter 489, Florida Statutes. I understand that the Construction Industry Licensing Board and the respective Santa Rosa County Licensing Board have the power and the authority to discipline a license holder for violations committed by him, his agents, officers or employees, and that I have full responsibility for compliance with all statutes, codes and laws inherent to the privilege granted by issuance of such permits.

James M. Hopmeier
(Print Name of Licensee)

James M. Hopmeier
(Signature of Licensee)

ES0000330
(State License Number)

Ellis Crane Works Inc.
(Business Name)

State of Florida
County of Santa Rosa

Sworn to me on this 24 day of August, 2010,
_____, personally appeared before me and is personally
known or produced N/A as identification.

Robert Saville
Notary Public

Revised 1/25/2008

