

## **Gadsden County Board of County Commissioners Agenda Request**

**Date of Meeting:** September 2, 2014  
**Date Submitted:** August 19, 2014  
**To:** Honorable Chairman and Members of the Board  
**From:** Robert Presnell, County Administrator  
Allara Mills Gutcher, Planning & Community Development Director  
**Subject:** Public Hearing (Quasi-Judicial) – Approval of Variance Resolution V-2014-01 for Crossroad Academy Charter School Variance Request

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### **Statement of Issue:**

Community and Economic Development Organization (CEDO), the property owner, represented by Ms. Millie Forehand; and Brad Begue of Barkley Consulting Engineers, Inc. as agent; are requesting approval of a variance to Subsection 5404.C.2 Tree Protection Areas of the Gadsden County Land Development Code (LDC) to allow the removal of six (6) protected trees (20" or greater at diameter at breast height (DBH)) and the technical removal of two (2) additional protected trees to allow the expansion of Crossroad Academy Charter School located at 470 Strong Road (Tax Parcel I.D. #3-20-2N-3W-0000-00221-0000) (Attachments #1 and #3).

### **Background:**

A pre-application meeting was held on February 20, 2014 to discuss the phased expansion of Crossroad Academy Charter School to add a high school, gymnasium, music room, Pre-k and reconfigure the parking lot and driveway aisles. At the pre-application meeting the number of protected trees (20" or greater at DBH) on the site was discussed. The applicant was advised by staff to revise the plans to meet LDC requirements and to submit an application for any variance necessary, including tree protection requirements, concurrent with the site plan application (Subsection 7203.A.4). The applicant revised the plans but chose to delay application for a variance until this time.

At the May 15, 2014 public hearing, the Planning Commission voted to approve the Crossroad Academy Charter School Expansion Site Plan (5-4) contingent on the applicant demonstrating compliance with conditions C.2 through C.5 of the Planning Commission Staff Report, and condition C1 which required that the applicant obtain a variance for the removal of the protected trees. Conditions C.2 through C.5 require that the applicant address LDC compatibility adjacent to an existing residence and compliance with required open space, curbs and/or wheel stops and sign regulations.

On August 14, 2014, the Planning Commission voted to approve the variance as conditioned.

### **Analysis:**

The LDC defines ‘protected trees’ as any tree, except a pine tree that has attained a Diameter at Breast Height (DBH) of twenty inches (20”) and is free of disease or major structural defect as a protected tree. Construction within the critical protection zone of any protected tree shall constitute the technical removal of said tree (Subsection 5405.C.3). Other than for trees that are diseased or compromised, the LDC does not speak to the removal of protected trees.

The applicant has requested a variance from Subsection 5404.C.2 which requires that “*all trees with a diameter greater than twenty inches (20”) be preserved.*” The six (6) protected trees proposed to be removed are located in the southwestern portion of the site where the proposed high school and gymnasium would be located. The two (2) technically removed trees are located between the proposed retaining wall and the southern property line. The plans have been revised to protect the forty-nine inch (49”) tree located in the vicinity of the proposed day care (Attachment #3)

The site currently has twenty-eight (28) protected trees located on it. In addition, there are many trees close to protected size that will be preserved. The trees to be removed are in proximity of the proposed high school and gymnasium. Prior to submittal of the application, the plans were revised to retain eleven (11) protected trees in the vicinity of the proposed parking lot and pre-k (Attachment #3). Should the variance be approved, there will be twenty (20) protected trees and two (2) technically removed trees on the site. In addition, the applicant proposes planting ninety (90”) caliper inches of trees to augment the required buffers where applicable.

The applicant contends that the location of the expansion is necessary in proximity to the existing school, student uses and for handicapped accessibility. In addition, the terrain and stormwater pond location is such that the existing slope dictates that the expansion be located in the southwestern corner of the site. The current design maximizes the protection of the maximum number of protected trees (Attachment #3).

### **Citizens Growth Management & Planning Bill of Rights (CBR) & Notice:**

Per Subsection 7001.1, a CBR meeting was held on April 2, 2014. Two (2) citizens attended. Public Hearing Notices were mailed and an advertisement was posted in the three Gadsden County newspapers.

### **Variance Procedures and Requirements:**

A variance request is considered a Type III review under Subsection 7203 of the Land Development Code. When considering a variance, the Planning Commission and the Board shall review the application for compliance with all seven (7) criteria adopted in Subsection 7301.C of the LDC to determine whether a hardship exist and to make findings. Pursuant to Subsection 7301.H, the application for hardship relief shall provide facts and evidence sufficient to enable the Board of County Commissioners to make findings in compliance with the criteria set forth in Subsection 7301.C and the Comprehensive Plan. Upon review of the variance, the Planning Commission shall make findings when making their recommendation (Subsection 7406).

### **Hardship Relief and Variance Criteria:**

Section 7300.A, Hardship Relief and Variance Procedures of the LDC states:

*“A hardship may exist in the strict application of one (1) or more requirements of this Code that would result in a parcel of land being incapable of reasonable economic use. Deviation or a variance from specified provisions or development standards may be allowed when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship for the owner.”*

Pursuant to Subsection 7301.C, Hardship relief or a variance from this Code may be granted only upon a finding by the Board of County Commissioners that all of the variance criteria have been met.

### **Planning Commission Recommendation:**

At their August 14<sup>th</sup> public hearing, the Planning Commission recommended approval of the variance with the following Planning & Community Development Department analysis of the Subsection 7301.C1-7 criteria:

1. The applicant has addressed the variance criteria as listed in Subsection 7301.C.1-7 of the LDC; and,
2. Planning & Community Development Staff finds that the applicant has complied with the criteria of Subsection 7301.C.1-7, as follows:
  - 1) *“Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same land use category.”*

The applicant has located structures to concentrate development in one area in order to preserve existing trees and the terrain of the site. The site slopes towards Strong Road, resulting in the placement of the stormwater facilities towards the front of the site and the school towards the rear. As a result of this design, school development will be compact, twenty (20) protected trees, two (2) technically removed trees will remain and ninety (90”) caliper inches of trees will be replanted. **This criterion has been met.**

- 2) *“The special conditions and circumstances do not result from the actions of the applicant nor could the condition or circumstances be corrected or avoided by the applicant.”*

The slope of the site dictating the location of the stormwater facilities is not a result of the action of the applicant. The applicant has located structures to avoid tree removal resulting in the preservation of twenty-two (22) protected trees. **This criterion has been met.**

- 3) *“The relief granted is the minimum degree of relief necessary to make possible the reasonable use of the land, building or structure in compliance with all other applicable regulations.”*

The property owner has reasonable use of the land and existing school structures and the expansion relief requested is the minimum necessary to allow the expansion. The site plan with variance will preserve twenty-two (22) protected trees. It will also preserve a 49” oak in vicinity of the proposed daycare. The applicant will replant and maintain ninety (90) caliper inches of trees in accordance to Sheet C-104 (Subsection 5404.I). The applicant will take additional measures to avoid impacting the two protected trees, to be technically removed, located in proximity to the retaining wall and within the twenty-five feet (25’) required buffer adjacent (southern property line). **This criterion has been met.**

- 4) *“Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same land use category under the terms of this Code and would impose undue hardship on the applicant.”*

The property is located in the Urban Service Area (USA) Future Land Use District which provides for the widest range of mixed uses and the highest density and intensity of development. The site is served with infrastructure to support the permitted density and intensity in the USA. The proposed school expansion is consistent with permitted density and intensity of this district. **This criterion has been met.**

- 5) *“The grant of the relief will not violate the general intent and purpose of this Code nor the policies of the Comprehensive Plan.”*

The proposed use is consistent with the Urban Service Area Future Land Use Category which provides for the highest density and intensity of development. **This criterion has been met.**

- 6) *“The grant of relief will not create unsafe conditions nor other detriments to the public welfare beyond the normal effects of development otherwise allowed.”*

The school expansion will meet all federal, state and local regulations. The school design locates the school expansion to preserve the greatest number of protected trees (in the vicinity of proposed parking Francis Kelly Road). **This criterion has been met.**

- 7) *“The proposed development will occur on a parcel of land which, when combined with adjacent land in the same ownership is not capable of reasonable economic use under the provisions of this Code, thereby making hardship relief necessary to preserve the substantial property rights of the applicant.”*

The proposed development is not adjacent to land under the same ownership. **This criterion has been met.**

**Options:**

1. Approval of the Crossroads Academy Charter School Variance Request (V-2014-01) to remove six (6) protected trees and two (2) technically removed trees, providing ninety (90) caliper inches of tree replants, and accept the findings recommended by the Planning Commission and the applicant's agent as demonstrating compliance with all the criteria of Subsection 7301.C of the LDC and authorize the Chairman to execute Variance Resolution #V-2014-01 (Attachment #4).
2. Do not approve the Crossroads Academy Variance Request (V-2014-01) to remove six (6) protected trees and two (2) technically removed trees and find that the applicant has not demonstrated compliance with all the criteria of Subsection 7301.C of the LDC.

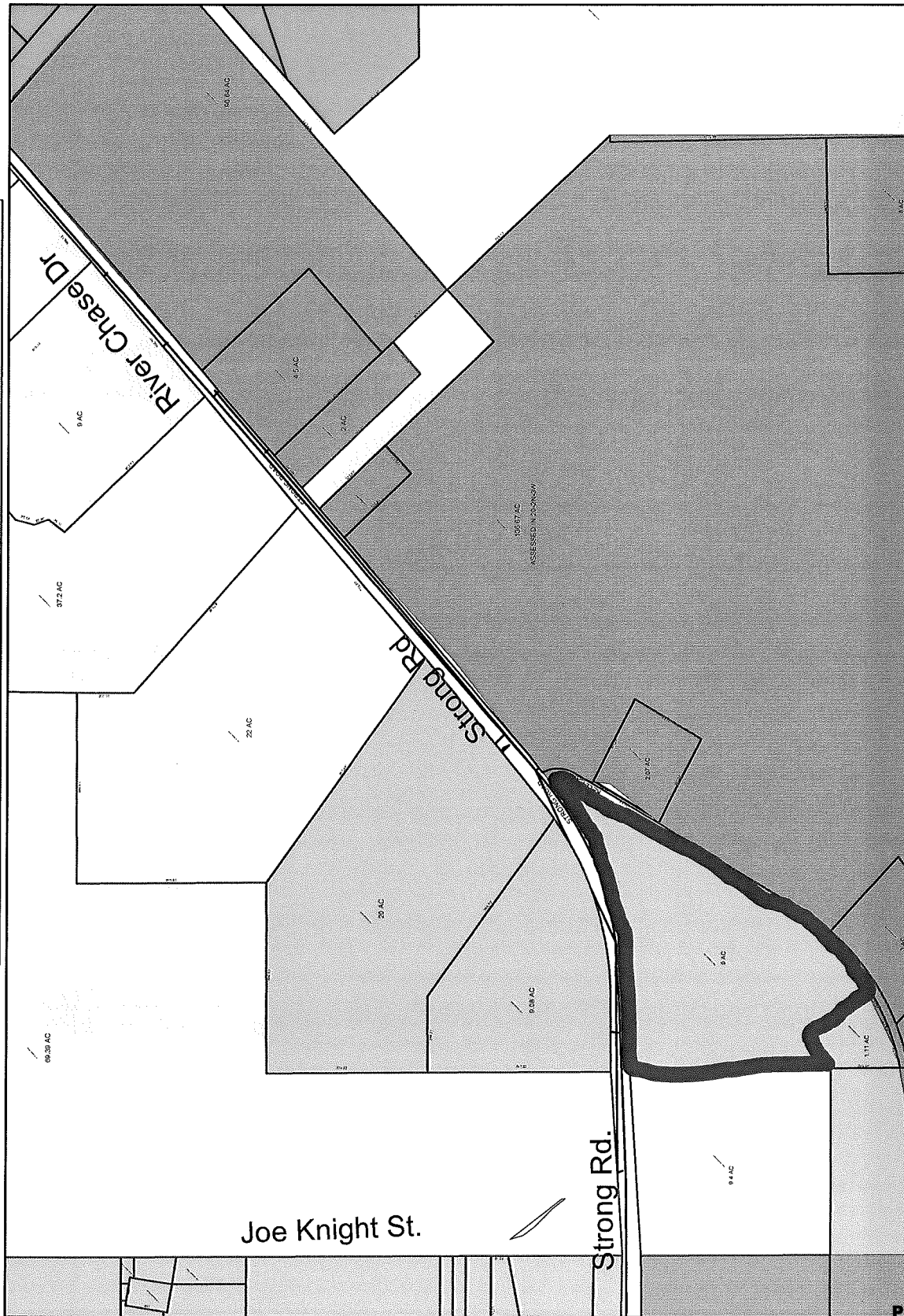
**County Administrator's Recommendation:**

Option #1

**Attachments:**

1. Location Map with Future Land Use
2. Public Notice
3. Variance Application & Plan
4. "Draft" Resolution V-2014-01

# Crossroad Academy Land Use



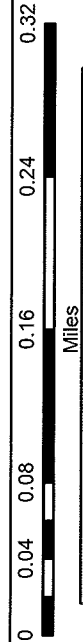
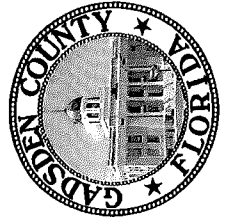
## Legend

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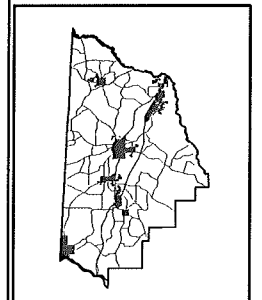
### FUTURE LAND USE

- AGRICULTURAL 1
- AGRICULTURAL 2
- AGRICULTURAL 3
- COMMERCIAL
- CONSERVATION
- HEAVY INDUSTRIAL
- LIGHT INDUSTRIAL
- RURAL RESIDENTIAL
- SILVICULTURE
- URBAN SERVICE AREA
- HISTORICAL
- LAKE TALQUIN
- MINING
- MUNICIPAL
- PUBLIC
- RECREATIONAL

ATTACHMENT # 1



The information shown on the map is to be used for planning purposes only, and is the best available data at the time. It is not intended for legal determinations. Gadsden County assumes no responsibility for any errors or inaccuracies shown on the map.



**COMMISSIONERS:**

ERIC HINSON

District 1

DOUGLAS M. CROLEY

District 2

GENE MORGAN

District 3

BRENDA A. HOLT

District 4

SHERRIE TAYLOR

District 5

**GADSDEN COUNTY  
BOARD OF COUNTY COMMISSIONERS**

EDWARD J. BUTLER

GADSDEN COUNTY GOVERNMENTAL COMPLEX

Planning and Community Development

Robert Presnell  
County Administrator

Deborah S. Minnis  
County Attorney

Allara Mills Gutcher  
Director

**PUBLIC HEARING NOTICE**

**Project Name:** CROSSROAD ACADEMY CHARTER SCHOOL EXPANSION

**Project Number:** VA-2014-01

**Tax Parcel ID #:** 3-20-2N-3W-0000-00221-0000,

**Address:** 470 Strong Road, Quincy, FL, 32351

**NOTICE IS HEREBY GIVEN** that a quasi-judicial public hearing is scheduled to consider a request for a approval of a variance by resolution from Subsection 5405.C.2 , Tree Protection Areas of the Gadsden County Land Development Code at the **Crossroad Academy Charter School** site located at 470 Strong Road. The variance is requested to allow the removal of six protected trees (20" diameter at breast height (dbh)) or greater) and the technical removal of two (2) protected trees (20" dbh or greater), for the removal of a total of 180" at dbh of protected trees. The applicant has proposed 90" of replacement trees. The tree removal variance is requested to allow the construction of the Crossroad Academy Charter School phased expansion. The Crossroad Academy Charter School is located in the Urban Service Area Future Land Use Category.

The Gadsden County Planning Commission will hold a public hearing to discuss the variance request on **Thursday, August 14, 2014**. The Board of County Commissioners will hold a public hearing to consider the Cross Road Academy variance request on **Tuesday, September 2, 2014**. The meetings will be held at 6:00 p.m. in the Board of County Commissioners Chambers at 7 East Jefferson Street, Quincy, Florida. This notice is being provided to all property owners within 1,000 feet of the subject amendment as required by subsection 7500, Gadsden County Land Development Code.

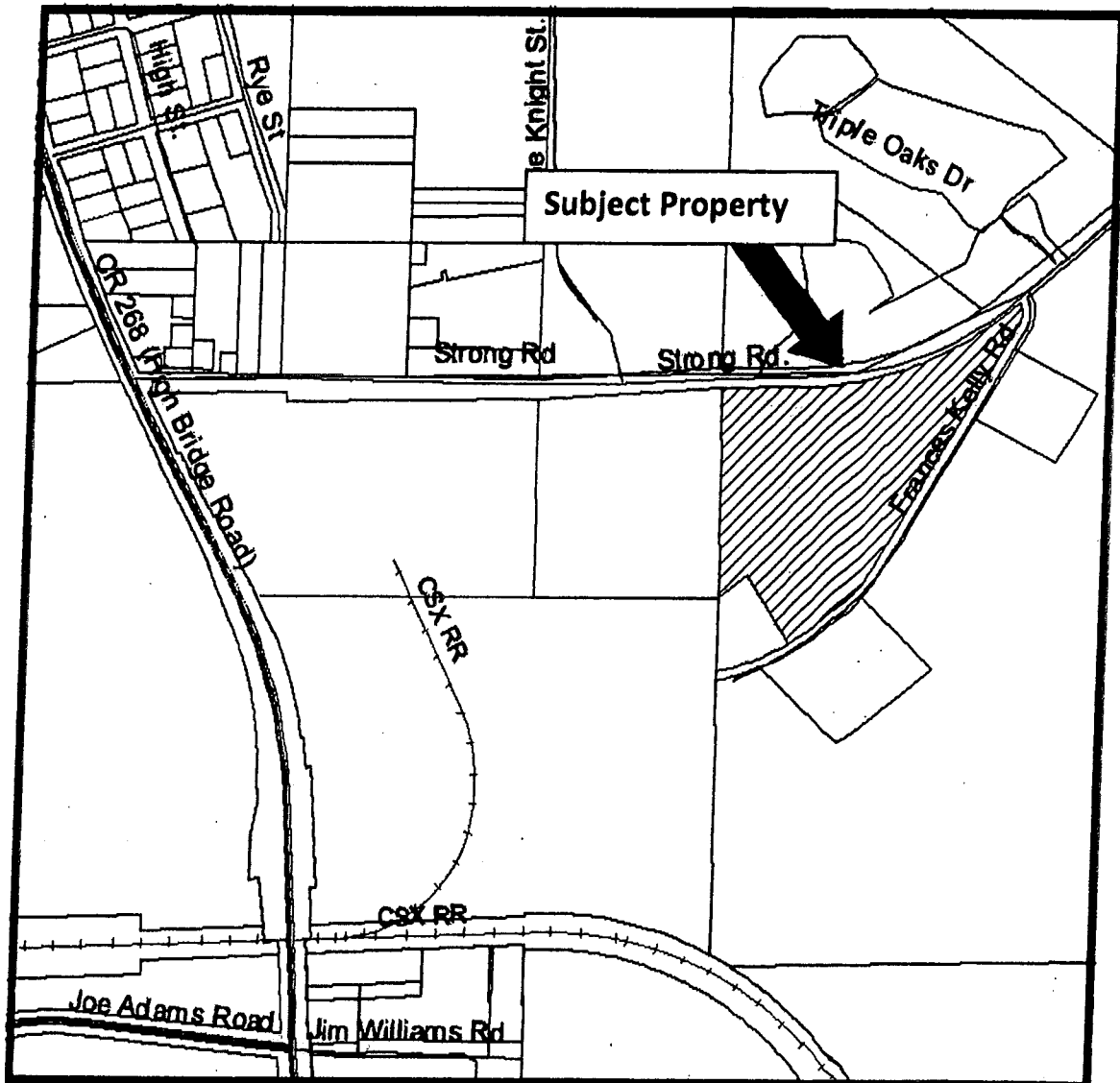
Copies of the application and file will be available at the Planning & Community Development Department, 1B East Jefferson Street, Quincy and on the County's website [gadsdencountyfl.gov](http://gadsdencountyfl.gov), one (1) week prior to the meetings. Persons wishing to comment may do so in person at the public hearing or in writing to the Gadsden County Board of County Commissioners, 7 East Jefferson Street, Quincy, FL 32351. If a person decides to appeal a decision by the Board of County Commissioners with respect to any matter considered at such public hearing, he/she will need a record of the proceedings and for such purpose he/she may need to insure that a verbatim record of the proceedings is made, which record includes testimony and evidence to which the appeal is to be heard.

# Crossroad Academy Charter School Expansion Variance Request

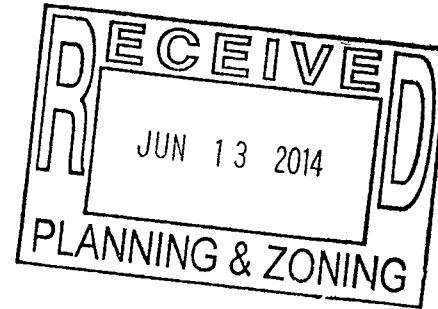
Tax Parcel Id. 3-20-2N-3W-0000-00221-0000

470 Strong Road, Quincy, FL

## LOCATION MAP







June 12, 2014

Ms. Jill Jeglie, AICP  
Senior Planner  
Gadsden County

Re: SP 2014-02  
Crossroads Academy Expansion - 470 Strong Road, Quincy FL  
Tree Removal Variance Narrative  
BCEI # 13-00497

Dear Ms. Jeglie,

Per your request we have reviewed the variance application previously submitted. Specifically, we are addressing the comments issued on May 22, 2014. We offer the following:

Narrative

The site plan has been designed to add 4 buildings, a parking lot, a bus loop, and improvements to the parent drop-off loop. Multiple configurations were explored and the attached site plans show the final layout that both meets the client's needs and lessens the impact on the natural features of the site. The final site plan requires the removal of six (6) trees and the technical removal of two (2) others. The technical removal is required because the site structures encroached on the protected area of the tree but the tree will not actually be removed. The trees to be removed are as follows:

SPECS	SIZE (DBH)	COMMENTS
Unknown	23"	Removal
Laurel Oak	20"	Removal
Oak	21"	Removal
Gum	22"	Removal
Laurel Oak	21"	Removal
Oak	27"	Removal
Oak	22"	Technical Removal
Water Oak	24"	Technical Removal
<b>TOTAL</b>	<b>180"</b>	

In order to mitigate the removal of the trees, we intend to plan 1" of trunk diameter for every 2" removed per Gadsden County LDC. This will either be (30) 3" diameter plantings or (23) 4" diameter plantings or a combination of the two to reach at least (90) inches total. Most of these plantings will be near the adjacent residences to increase the opacity in those areas. Other plantings will be placed throughout the site.

In addition, we were to address seven (7) key criteria to justify the need for this variance. Please see the numbered responses below correlating to the seven (7) items.

1. The school buildings were placed adjacent to the existing buildings in order to maintain a close proximity for student use and handicapped accessibility. Due to the steep grades on the site, this area must be built up with fill soils and a retaining wall must be constructed. This requires the removal of the trees in question due to the steep grades that currently exist (special condition).
2. The special condition requiring the buildings to be in close proximity to the existing building is due to the site being used as a school. The natural change in ground elevation could not be avoided by the owner.
3. Multiple site layouts were explored and the version submitted shows the least amount of tree removal. Earlier versions removed as many as 22 trees over 20" DBH. These versions were eliminated because the owners desire the least tree removal possible.
4. Without the removal of these trees, the land owner would not be able to properly maximize the use of their land. We are still able to meet other provisions such as the open space requirement. Since a large portion of the land is wooded, tree removal is necessary.
5. To the best of our knowledge, the site plan meets the intent of the LDC. Plantings will be provided to mitigate tree removal per the LDC.
6. No unsafe conditions have been created with the tree removal. In fact, the tree removal and re-grading of land is necessary to maintain the safety of the children at the school.
7. If the trees in question are not removed, a large portion of the land will not be usable. The land owner would not be able to add a high school to the existing K-8 school. Since this is owned by a community organization, the public and the landowner will suffer if this property is not used.

Please see attached documents for additional information on the items addressed above.

If you have any questions or concerns regarding the information we have provided you with, please do not hesitate to contact us.

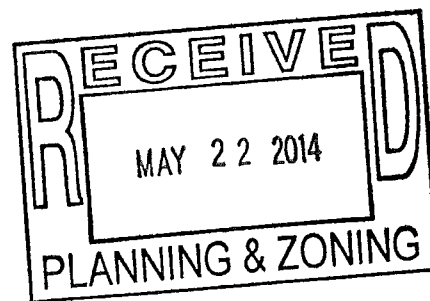
Sincerely,

  
Jamie A. MacDonnell, P.E.

May 21, 2014

Jill Jeglie, AICP  
Senior Planner  
Gasden County

Re: SP 2014-02  
Crossroad Academy Expansion  
470 Strong Road Quincy, FL  
Variance Application and Request



Dear Ms. Jeglie:

We would like to request a variance to the Gadsden County Land Development Code for the Crossroad Academy Expansion. Subsection 5404 Tree and Native Vegetation Protection Standards requires all trees that are 20" or greater be preserved. We are seeking a variance to this requirement. The proposed site plans have been optimized to allow for the protection of as many trees as possible. As it stands now, we are proposing the removal of 6 protected trees (20" DBH or greater). The "technical" removal of 2 additional trees is also proposed.

We are proposing two methods of mitigation for the trees being removed. First it is proposed that vegetation replacement be conducted to mitigate the losses of the existing protected trees that are being removed. The replacement plantings will be natural vegetation that is commonly found onsite.

The second method of mitigation we are proposing is providing tree protection for the "technically" removed trees. The two trees technically removed are being impacted by grading activities in a portion of the drip line of the trees. The proposed encroachment on the critical protection zone (CPZ) of these trees would be additional fill being placed within the CPZ. There is no excavation proposed in this area. The plans will require that the contractor conduct work in these areas with extreme care. Work would be limited to hand tools in these areas. Root removal by backhoe or other powered excavator will be prohibited for this area. Additionally, tree protection barricades will be provided to ensure that additional work in the CPZ of these trees is limited to only what is shown on the plans.

We feel that the previously mentioned mitigation techniques are consistent with the intent of the Land Development Code regulations. Based on our attempts to mitigate the impacts we request that the variance be approved by the committee.

Sincerely,



James B. Begue, P.E.

RECEIVED	
ATTACHMENT # 3	
MAY 22 2014	
COUNTY STAFF DATA ONLY	PLANNING & ZONING
DATE RECEIVED:	
PROJECT NUMBER: V-200	-

**GADSDEN COUNTY**  
**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**  
 1-B East Jefferson Street, Post Office Box 1799, Quincy, FL 32353-1799  
 Phone: (850) 875-8663 Fax: (850) 875-7280  
 E-mail: [planning@gadsdencountyfl.gov](mailto:planning@gadsdencountyfl.gov) Web site: [www.gadsdencountyfl.gov](http://www.gadsdencountyfl.gov)

## VARIANCE APPLICATION

This application must be completed and returned to the Planning & Community Development Department with all the required exhibits. A Citizen's Growth Management and Planning Bill of Rights meeting is required prior to submitting an application. The County staff will review the request, prepare a report, and make a recommendation, which will be considered by the Planning Commission and Board of County Commissioners at public hearings for final action. Whoever is listed as the applicant will be advised of all dates and times of the public hearings. The applicant may appear at the public hearing in person or be represented by an authorized agent or attorney. If the applicant cannot attend the public hearing, the applicant should make arrangements to have an authorized representative (authorized in writing and notarized) appear on your behalf so that the application can be acted upon in your absence. If photographs, documents, maps or other materials are provided to the Board as evidence at the public hearing, you will need to leave those instruments with the secretary or the County Clerk. By law, those instruments become public records and cannot be returned to you. The public hearing before the Board of County Commissioners is considered quasi-judicial in nature. This means that the Board is sitting as a judge would in a courtroom and that the decision made should be a result of the evidence presented at the hearing. Therefore, applicants or interested individuals are **PROHIBITED FROM CONTACTING ANY OF THE BOARD MEMBERS BY PHONE, IN PERSON, OR IN WRITING, WHO WILL BE MAKING DECISIONS OF THE ACTION.** Applications should address each of the hardship provision contained in Section 7300 of the Land Development Regulations and Subsection 6902 for subdivisions. If you wish to appeal any determination of the Board of County Commissioners, you will need a verbatim transcript of the record and copies of all the evidence presented. It will be your responsibility to make arrangements for the preparation of that verbatim record at your expense.

Name of Project/Subdivision: CROSSROADS ACADEMY BUILDING ADDITIONS

1. APPLICANT NAME (Print): BRAD BEGUE, P.E  
 CONTACT PERSON (If Corporation): BARKLEY CONSULTING ENGINEERS, INC.  
 ADDRESS: 3494 MARTIN HURST ROAD TALLAHASSEE, FL 32312  
 CITY: TALLAHASSEE STATE: FL ZIP: 32304  
 TELEPHONE: ( 850 ) 297-0440 FAX: ( 850 ) 297-0697  
 E-MAIL ADDRESS: brad.begue@bcei.us
2. OWNER OF PROPERTY (Print): COMMUNITY ECONOMIC DEVELOPMENT ORGANIZATION  
 ADDRESS: 20 EAST WASHINGTON ST  
 CITY: Quincy STATE: FL ZIP: 32351  
 TELEPHONE: ( 850 ) 627-7656 FAX: ( )

E-MAIL ADDRESS: cedoquincy@aol.com

3. If Applicant or Owner cannot attend the Planning Commission and/or County Commission meetings, please list the name of a Representative who will make the presentation, answer questions, or make decisions for the Applicant or Owner.

REPRESENTATIVE NAME: Brad BegueADDRESS: 3494 Martin Hurst RdCITY: TallahasseeSTATE: FLZIP: 32312TELEPHONE: ( 850 ) 297-0440FAX: ( 850 ) 297-0697E-MAIL ADDRESS: brad.begue@bcei.us

4. Legal Description of the specific property covered by this application: (If lengthy, please attach extra sheets) see attached survey  
Parcel ID #: 3-20-2N-3W-0000-00221-0000

5. Size of area covered by application (acreage must agree w/legal and survey): 12.27 acres

6. Location of Property: 470 STRONG RD, QUINCY, FL 32351 20-2N-3W

7. Future Land Use: Public Sch (008300) Existing Use: Public Sch (008300)

8. Variance Request (Provide the Code Section): Subsection 5404.C.2  
We are requesting a variance for removing several 20" or greater trees.

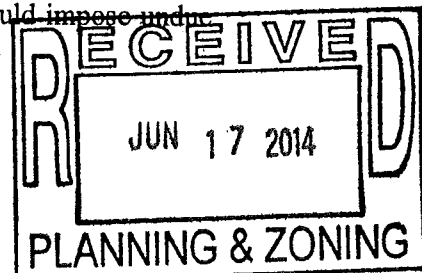
9. At the public hearing and with this application, you must demonstrate in writing all of the following in order to secure a variance (See Subsection 7300). Provide a narrative describing the proposed variance and the basis for the request along with all support documentation including a site plan:

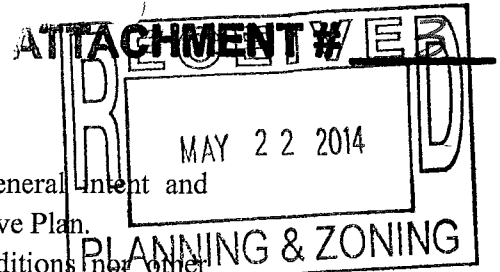
1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same land use category.

2. The special conditions and circumstances do not result from the actions of the applicant nor could the condition or circumstances be corrected or avoided by the applicant.

3. The relief granted is the minimum degree of relief necessary to make possible the reasonable use of the land, building or structure in compliance with all other applicable regulations.

4. Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same land use category under the terms of this Code and would impose undue hardship on the applicant.





5. The grant of the relief will not violate the general intent and purpose of this Code nor the policies of the Comprehensive Plan.

6. The grant of relief will not create unsafe conditions nor other detriments to the public welfare beyond the normal effects of development otherwise allowed.

7. The proposed development will occur on a parcel of land which, when combined with adjacent land in the same ownership is not capable of reasonable economic use under the provisions of this Code, thereby making hardship relief necessary to preserve the substantial property rights of the applicant.

Or: If applying for a deviation from the Cellular Tower Ordinance, please address Subsection 5811 Supplemental Information and Criteria.

10. Citizens Growth Management & Planning Bill of Rights (Ordinance #2010-05) – Provide Public Notice Plan, Written verification of meeting, newspaper advertisement (1 paper) & copy of notice & mailing list.

Be advised that financial considerations are not a consideration/condition for granting a variance.

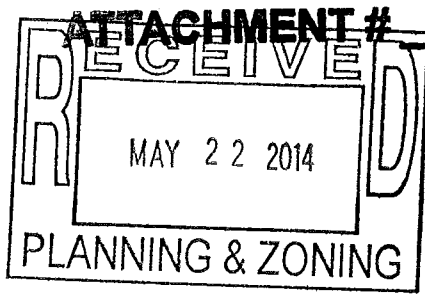
(A variance from the floodplain ordinance is described in Subsection 7300 D.)

11. The following items are required to complete this application and MUST be attached:

- \* (a) Hearing fee of \$500.00 (\$750.00- Commercial Projects) per parcel of land (cash, check or money order) drawn to the order of Gadsden County Board of County Commissioners (BOCC). Plus Advertisement & legal notice fees
  - \*\* (b) Plat or survey, to scale, (certified by surveyor or engineer with maximum size of 8-1/2" x 14") of the subject property for which the variance is requested.
  - \*\* (c) Drawing, to scale, showing the proposed variance (maximum size of 8-1/2" x 14").
  - (d) Power of Attorney from the owner of the subject property if the applicant is not the owner.
  - (e) Citizen's Bill of Rights verification: Copy of notice, meeting sign in sheet, receipt for mailed notices, summary of meeting.
  - (f) Proof of Ownership (Tax Assessor's Statement is preferred or a Copy of a Deed). Which ever is chosen to be used as proof of ownership, the complete legal description must be included.
  - (g) Written basis for Variance addressing findings in Subsection 7301.C of the LDC.
- \*\* IF DRAWINGS ARE OVERSIZED (LARGER THAN 8 -1/2" X 14"), THIRTY-ONE (31) COPIES MUST BE SUBMITTED AND PROPERLY FOLDED AFTER STAFF REVIEWS PLANS.
- \* NO MONIES OR APPLICATIONS WILL BE ACCEPTED BY MAIL

I have read the information in this application and have filled in all answers correctly to the best of my ability.

I understand my application can be acted upon by the Planning Commission and Board of



County Commissioners even in my absence.

X I AM THE OWNER

I AM THE LEGAL REPRESENTATIVE OF THE OWNER (Attach Affidavit of Ownership) of the property described which is the subject matter of this application. Under penalties of perjury, I declare that I have read said application and all sketches, data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief. I understand that by signing this document, I am giving the County or agent thereof the authority to duplicate, disseminate and reproduce any and all items submitted as part of this request, whether copyrighted or not.

Millie Ferland  
SIGNATURE OF APPLICANT

05/22/2014  
DATE

SWORN TO AND SUBSCRIBED BEFORE  
ME THIS

22nd Day of May

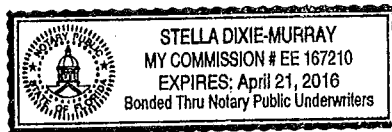
20 14 by Millie Ferland  
(Applicant)

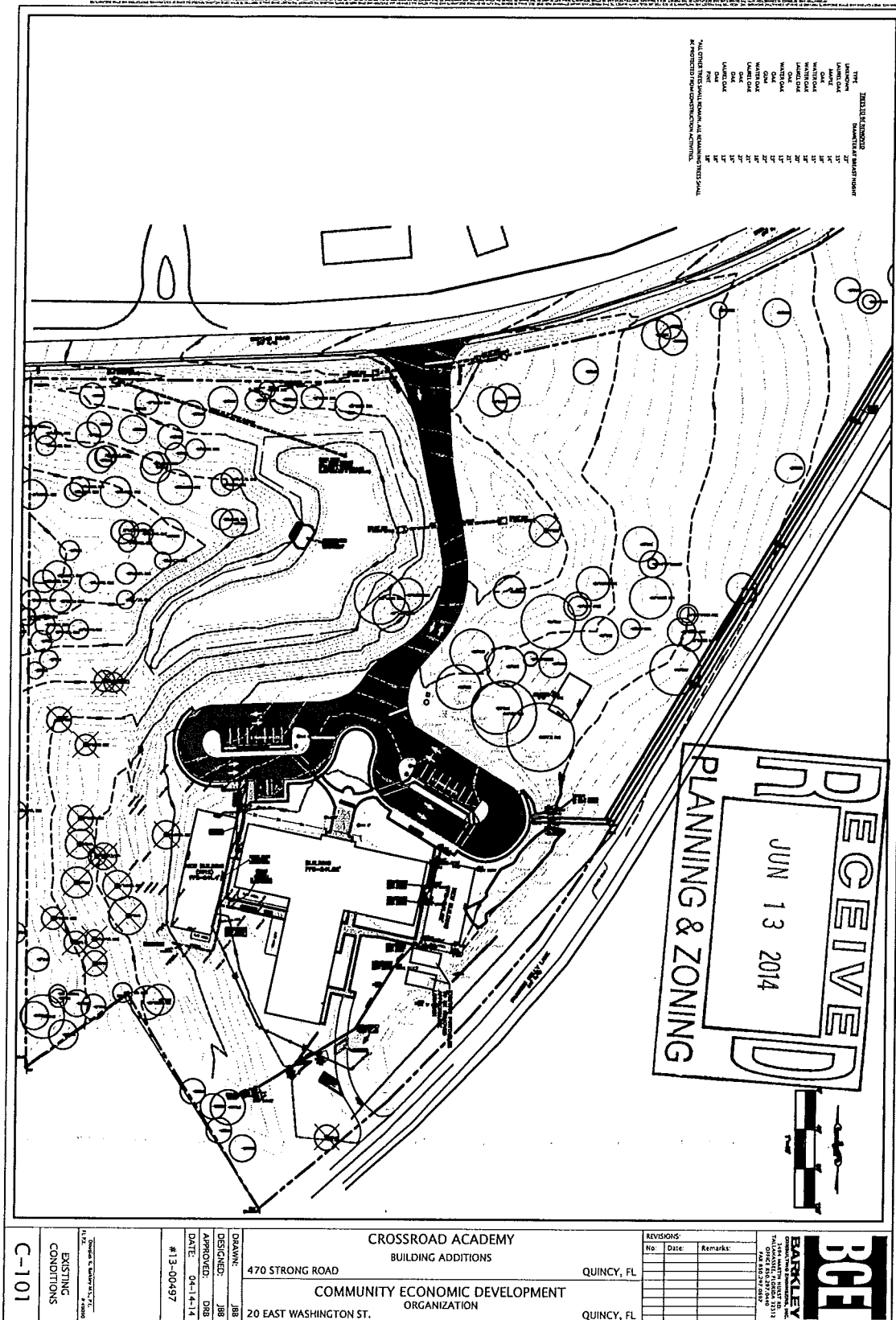
Who is personally known to me or  
produce ID and did take an oath.

Stella Dixie-Murray

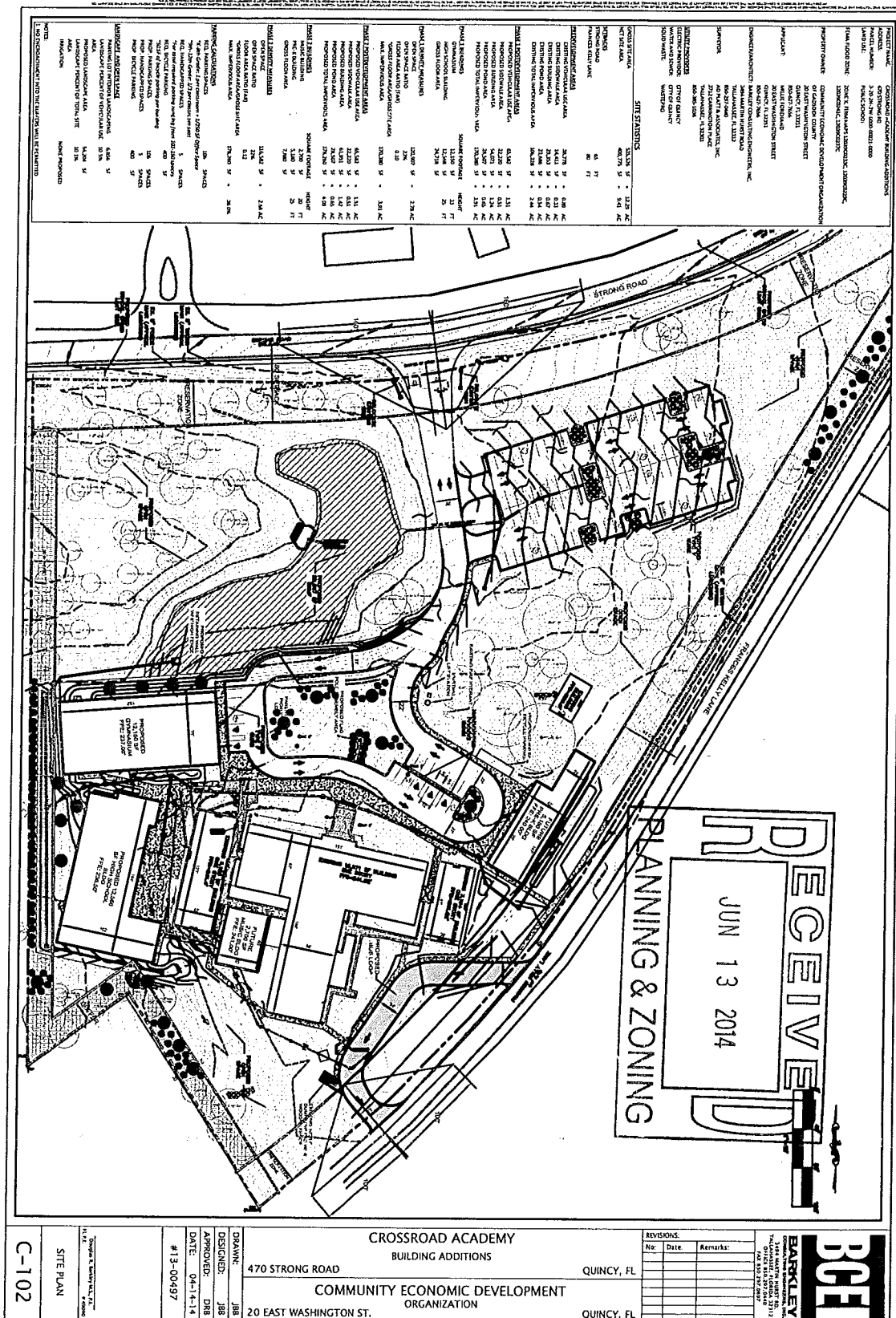
NOTARY PUBLIC, State of Florida at  
Large

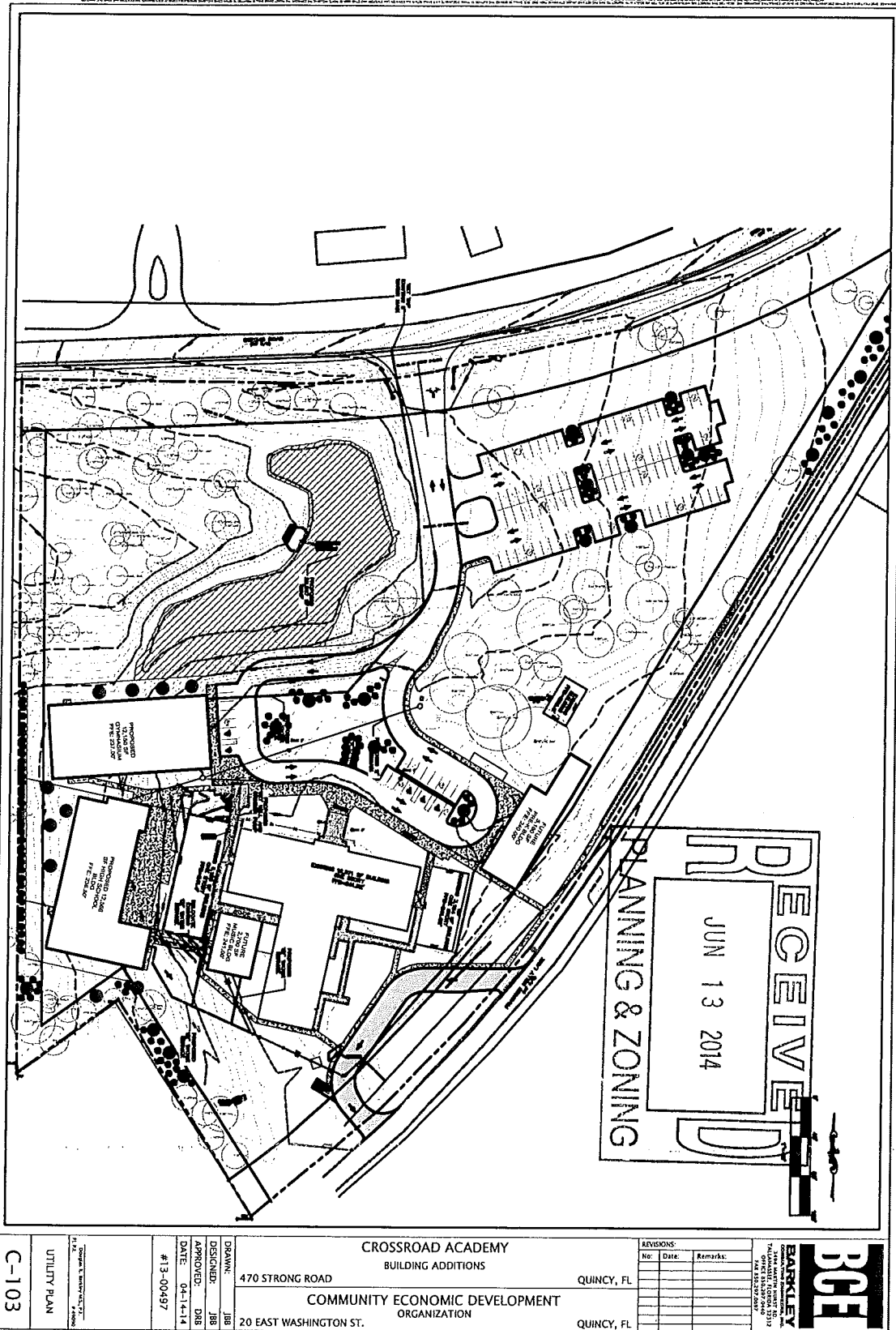
My Commission Expires 5/22 4/21/2016

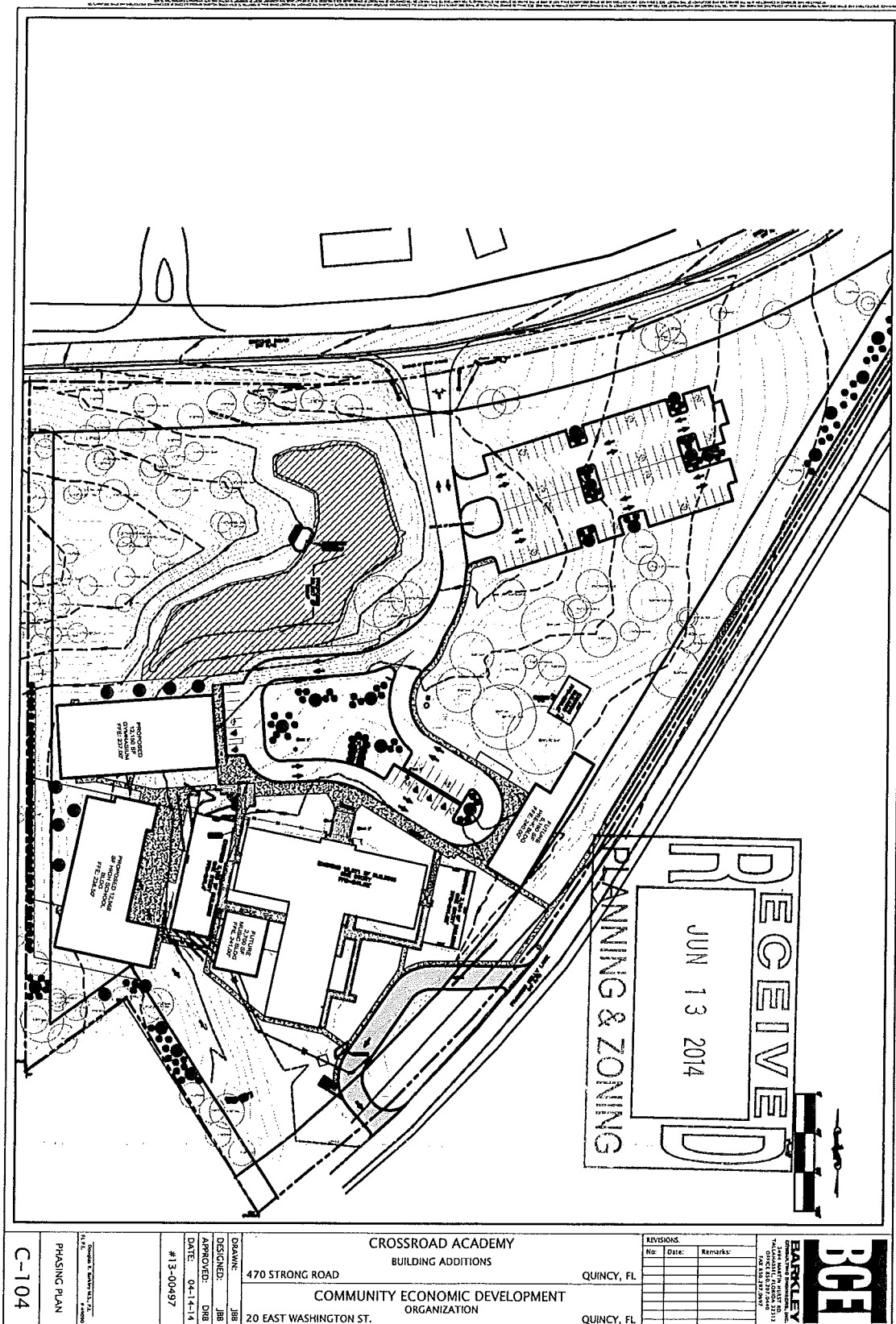


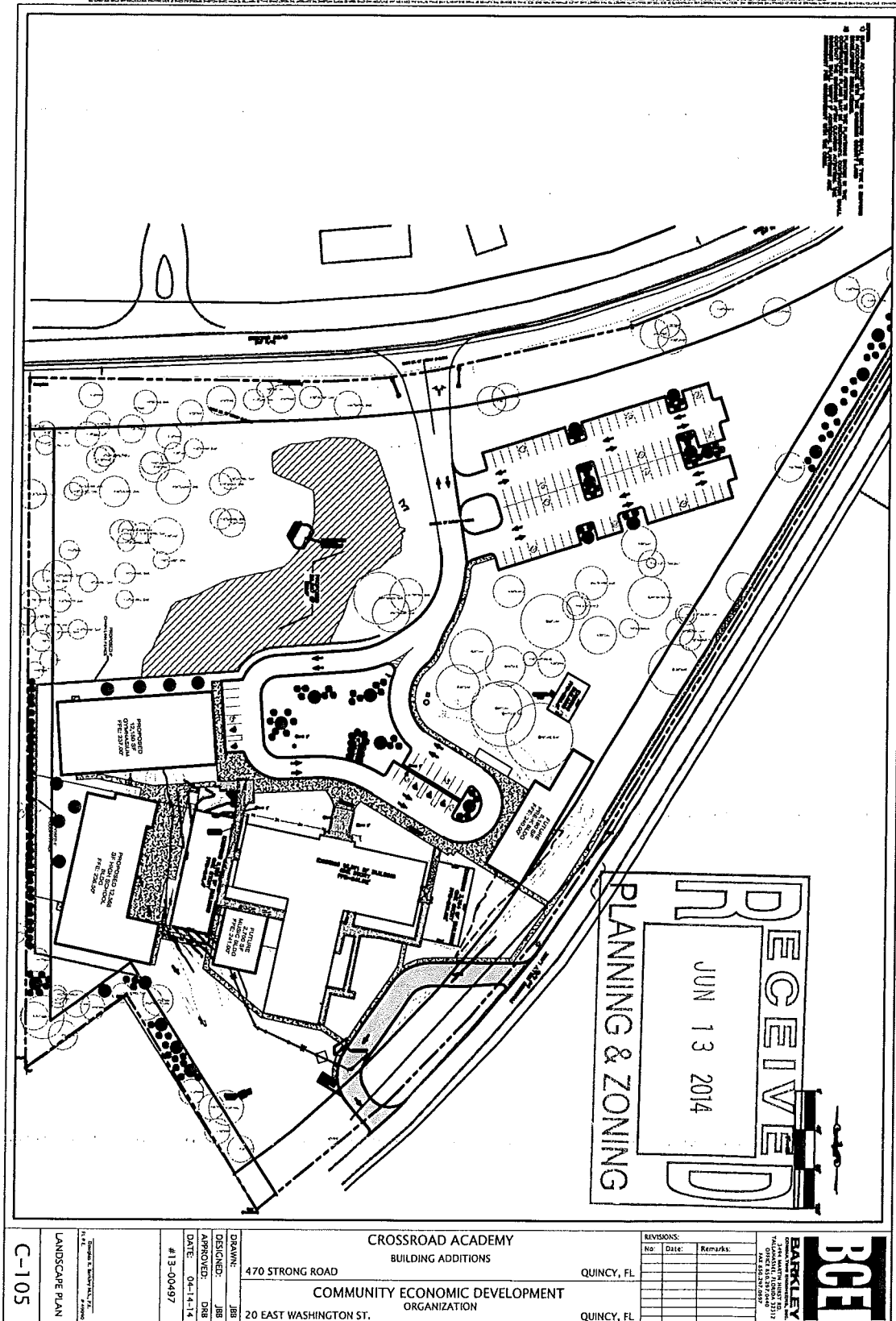












#### Additional Tree Information

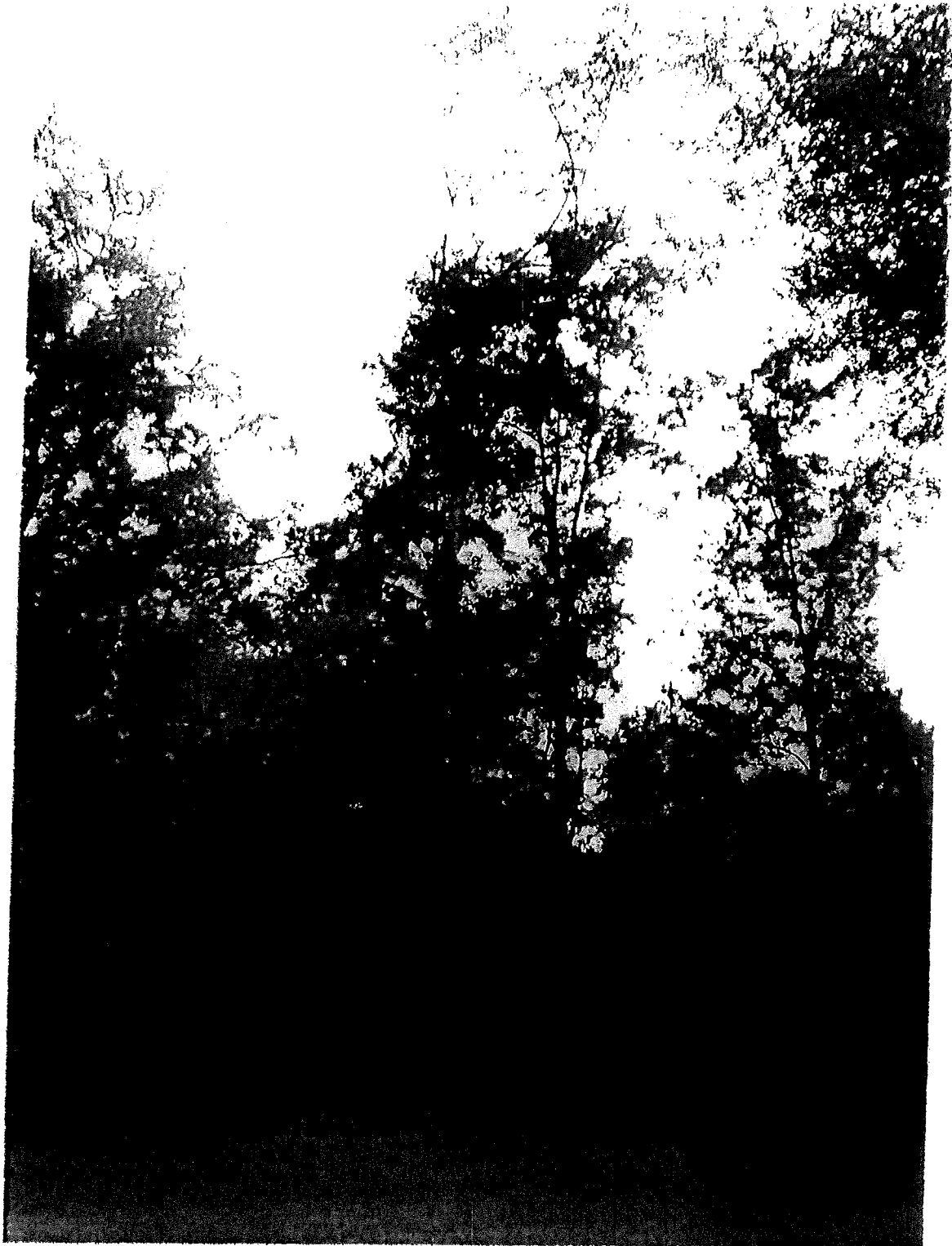
Several questions were asked based on the noticing of the commission meeting. Supplemental information has been provided to show additional information on some of the trees in question. We have tried to answer these questions in a way to limit the public's concerns over the requested variance.

A survey of the existing trees was conducted at the beginning of the project. The surveyors identify the type of tree and the diameter at breast height (DBH). Several of the trees in the survey were identified as either "unknown" or "oak". One tree (23" DBH) was identified as unknown and two trees (21" and 27") were identified as oaks. The trees identified as oak trees were not identified as a specific species (ex. Live Oak) in the survey. A secondary site visit was conducted to take photos of these trees in question and to determine the types of trees. We believe that these trees are all Water Oaks. These trees are alive but do not seem to be in pristine condition due to the limited canopy diameter and sparse leaf cover.

A search of the Florida Forest Service's listed trees was also conducted. The search did not identify any trees on this site that were identified as Champion trees.



*23" Unknown Tree: Tree was determined to be a water oak*



*21" Oak: Tree looks to be a water oak*



*27" Oak : Tree looks to be a water oak*





**COMMISSIONERS:**

**ERIC HINSON**

District 1

**DOUGLAS M. CROLEY**

District 2

**GENE MORGAN**

District 3

**BRENDA A. HOLT**

District 4

**SHERRIE TAYLOR**

District 5

**Robert Presnell**

County  
Administrator

**David J. Weiss**

County Attorney

**Allara Mills**

Gutcher  
Director

**GADSDEN COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**

**EDWARD J. BUTLER**

**GADSDEN COUNTY GOVERNMENTAL COMPLEX**  
**Planning and Community Development**

IN AND BEFORE THE BOARD OF COUNTY COMMISSIONERS OF  
GADSDEN COUNTY

Community Economic Development Organization (Petitioner)  
20 East Washington Street  
Quincy, FL 32351  
(850)627-7656

PETITION/APPLICATION  
NO. V-2014-01

GADSDEN COUNTY, FLORIDA

**FINAL ORDER**

Upon consideration of the above styled Petition/Application by the Board of County Commissioners of Gadsden County, Florida, at the properly noticed hearing which findings are presented below, it is ordered that the petition has been granted the following:

**Approval of a variance to Section 5405.C.2, Tree Protection Areas, for Crossroad Academy Charter School to allow the removal of six protected trees which are 20" or greater in diameter at breast height (dbh) and the technical removal of two (2) protected trees in accordance with the Sheet C-102 of the unsealed plans prepared by Barkley Consulting Engineers, Inc., submitted on June 13, 2014.**

**Whereas,** the Community Economic Development Organization (property owner) has requested a variance for the Crossroad Academy Charter School, located at 470 Strong Road, on a parcel identified by Tax Parcel Identification Numbers 3-20-2N-3W-0000-00221-0000 from the Gadsden County Land Development Code (LDC) Subsection 5404.C Tree Protection Areas; and,

**Whereas,** Subsections 5404.C 2 of the LDC, Tree Protection Areas requires that: "The understory may be cut but all trees with a diameter greater than twenty inches (20") must be preserved."

**Whereas,** the variance is the minimum necessary to allow the addition of a high school, gymnasium, music room, daycare and parking while maintaining required buffers; and,

**Whereas,** Board of County Commission finds that the proposed amendment with conditions meets the variance criteria as required by Subsection 7301.C of the Gadsden County Land Development Code; and,

**Whereas,** on August 14, 2014, the Gadsden County Planning Commission voted to recommend approval of the proposed variance to Subsection 5404.C.2 of the Gadsden County Land Development Code (LDC); and,

**Whereas,** on September 2, 2014, the Gadsden County Board of County Commissioners voted to approve the variance to Subsection 5404.C.2 of the Gadsden County Land Development Code with the following condition.

**The variance approval is contingent upon compliance with the following condition:**

1. The applicant shall provide a total of ninety (90) caliper inches of replant trees.

**Whereas,** the requested variance is narrowly drawn and the situation is unique to the owners and this parcel; and

**Whereas,** the Board of County Commissioners reviewed the request for the variance at a duly-noticed public hearing on August 5, 2014 and voted to approve it.

ORDERED this 2nd day of September, 2014.

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Eric Hinson – Chairman  
Gadsden County Board of County Commissioners

Said order shall be kept on file with the Gadsden County Planning and Community Development Department.