

Letter found in public records request shows building official recommending planning board vote against setback variance

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during which he outlined numerous instances he alleged county staff violated his client's rights during the permit application and variance process, the commission ultimately took the advice of County Attorney Conrad Bishop and tabled the matter to give additional time to research several of the legal issues raised during the discussion.

Pulido purchased the property, a 0.21-acre parcel located near Hodges Park at the end of Keaton Beach Road, on May 9, 2025.

According to Curtis, Pulido planned for the property -- which was previously the site of a residential home destroyed by Hurricane Helene in 2024 -- to serve as the site of a food truck, along with a separate alcohol beverage vehicle, restrooms, tables and chairs covered by a pole barn that he had constructed on the property -- which is the subject of the ongoing setback issue.

The Keaton Beach area is in the "mixed-use urban development" land-use category, allowing both residential and commercial uses.

In June 2025, Pulido applied for an electrical permit from the county, which was subsequently approved. He also applied for a liquor license transfer through the Florida Division of Alcohol Beverages and Tobacco (DABT).

That same month, Pulido transferred the property to Poncho's Cantina, LLC, which Curtis noted was a standard business practice.

On June 20, 2025, Pulido applied for an accessory building permit to construct the pole barn on the property.

Curtis acknowledged that the conversation between Pulido and county staff at this time may have resulted in confusion and could have led to the pole barn being constructed further into the setback on the southern side of the property than was intended.

According to Curtis, Pulido had the ability to build within the previous footprint of the former residence, including into the setback, without the need for a new variance, because it would be considered "grandfathered in."

However, while county staff contends their intention was for Pulido to cut holes in the existing concrete pad to place poles for the new structure, the poles were instead placed on the outside of the pad, resulting in the pole barn being closer to the property line than the former residence.

The exact difference is unclear, because Curtis produced documents showing county staff cited

two different figures -- one of which was 14 inches -- at various points in the ensuing variance process.

Around the same time the issue with the pole barn came to light, Pulido received notification from DABT that the county had asserted that alcohol could not be sold at the property -- putting his state application on hold.

According to Curtis, while counties are allowed to have "Blue Laws" limiting serving alcohol on Sundays, other regulations concerning the sale of alcohol fall under state oversight.

Curtis also contended that many of the other issues raised by county staff during the process, including the availability of parking for the venture, were also outside the county's control thanks to a law passed in 2020 regarding food trucks.

The statute reads: "Regulation of mobile food dispensing vehicles, and temporary commercial kitchens, involving licenses, registrations, permits and fees is preempted to the state. A municipality, county or other local governmental entity may not require a separate license, registration, or permit other than the license required under s. 509.241, or require the payment of any license, registration, or permit fee other than the fee required under s. 509.251, as a condition for the operation of a mobile food dispensing vehicle or temporary commercial kitchen within the entity's jurisdiction."

Additionally, the statute reads, "A municipality, county, or other local governmental entity may not prohibit mobile food dispensing vehicles or temporary commercial kitchens from operating within the entirety of the entity's jurisdiction."

Curtis contended that this puts many of the county's questions -- including parking concerns -- outside of their regulatory authority.

On Sept. 5, 2025, Pulido applied for the setback variance.

According to Curtis, the county's technical review committee (TRC) reviewed the application and ultimately voted to recommend the planning board deny the application, despite the county's land development regulations (LDRs) not mentioning the TRC be part of the process -- instead leaving that authority in the hands of the planning board.

On Oct. 2, the planning board considered the variance application, and County Building Official Terrance McKeever raised several issues that Curtis contends were not pertinent to the setback variance -- including the sale of

alcohol, parking and the use of 6x6 posts in the pole barn's construction.

Curtis acknowledged that the planning board also received a letter from an adjacent property owner "strongly opposed" to the variance application.

Curtis requested a continuance to look into the issue of the posts, but later discovered that the approved engineering documents called for 6x6 posts, which were used to construct the pole barn.

On Oct. 22, Curtis sent a letter to County Administrator LaWanda Pemberton citing the many issues Pulido had encountered with county staff over the proposed food truck venture.

Curtis alleged that other food trucks in the county were not required to follow the same regulations regarding parking, although many of his examples referred to food trucks that regularly set up within the City of Perry and not in the unincorporated areas of the county.

"Given Poncho's arguably reasonable concern about inconsistent and/or absurd application of county regulations, and the prospect of spending months and thousands of dollars fighting for the privilege to invest in this community, I regrettably write to inform you that Poncho's has decided that it will no longer be pursuing establishment of a new food and/or alcohol service venture of any kind in Taylor County, and instead will look to establish a similar venture elsewhere," Curtis said in the letter.

However, he did indicate they would continue with the variance application when the planning board convened again.

Curtis then presented the commission with a copy of a letter written by McKeever to the planning board sometime between the two meetings, outlining his objections to the variance application and taking issue with the allegations outlined in Curtis' letter to Pemberton.

Curtis read aloud the final paragraph of McKeever's letter, which stated, "The letter (from Curtis) really tried to paint me personally in a bad light. It is for that reason if I had a vote, I would have to vote no, if only to show that sometimes an attorney is not always the best option. I have confidence that the Planning Board will rend a fair and just decision."

Curtis called McKeever's letter "ex parte" communication, stating that while McKeever is allowed to discuss technical issues with the board, he is not allowed to try to influence their decision.

The planning board ultimately voted to deny



The photo above provided by attorney Ray Curtis shows the completed pole barn at the proposed Poncho's Cantina site at Keaton Beach. The Taylor County Planning Board denied a setback variance for owner Luis Bautista Pulido for the pole barn, an action that Curtis says was improperly decided after the board considered issues not pertinent to the variance application.

the application on Dec. 4, and Curtis noted that in the board's official minutes, Curtis' letter to Pemberton was cited as the reason.

"After the letter Attorney Ray Curtis presented, bringing to light all the violations created by his client, the board could not find its way to approve the 5-foot variance," the minutes state.

Curtis said he filed a public information request in December, which is how he learned of McKeever's letter to the planning board prior to the second hearing.

Curtis stated that while the letter represented a violation of his client's rights, he was not asking the commission to fire McKeever, instead suggesting that it was a mistake that was a result of him being new to the job and lacking the necessary training. However, Curtis argued that regardless of the reason, the violation gave Pulido grounds to sue the county.

As such, Curtis told the commission he was offering them a pre-litigation settlement agreement to avoid a lawsuit, due to the county's "real exposure" for allegedly violating Pulido's due process rights during the variance process.

Under the proposed agreement, Pulido would agree not to sue the county. He would also agree to strengthen the pole barn based on a certified engineer's determination on what is needed.

In exchange, the commission would approve Pulido's setback variance application, as well as acknowledge that

the county does not have the authority to regulate food trucks or the sale of alcohol. Additionally, the county would approve a variance allowing Pulido to construct ground level restrooms, as long as they were constructed in a way to meet county, state and federal flood zone requirements.

During the ensuing discussion, Commissioner Thomas Demps stated he could not support a proposal that would allow the sale of alcohol "in a residential neighborhood."

Curtis argued that this was not a valid reason to deny application for a setback variance, adding that his proposal would allow the county to avoid litigation.

Commissioner Michael Newman said he did not feel comfortable approving the agreement without a hearing first notifying the neighboring property owners, as is usually the process when variances are being considered.

Curtis acknowledged that the neighbors were opposed to the variance application, but he noted that the issue before the commission was an attempt to settle a potential lawsuit before it was filed.

Pemberton raised concerns over the proposed variance for the restrooms and questioned whether Federal Emergency Management Agency (FEMA) would need to be involved.

Curtis said the agreement could include language that county approval of the restrooms would be contingent on receiving

approval from FEMA, if necessary.

County Engineer Kenneth Dudley also addressed the commission, stating that he did not believe the fact that the proposed venture involved a food truck precluded the county from regulating related issues like parking requirements.

However, Curtis again argued that it did, citing language in state statutes.

McKeever also addressed the county commission, contradicting many of Curtis' claims. He stated that the original "stop-work" orders filed against the property were due to unlicensed contractors working on the electrical service, and it was while addressing that issue that the county realized the pole barn had been constructed outside the original concrete pad.

McKeever claimed he verbally told Pulido to break through the pre-existing concrete pad to install the new poles.

"If we're going to be sued for all the things that didn't happen, so be it," McKeever said.

Bishop then addressed the commission, suggesting the board table the issue, especially with the potential issue of FEMA's involvement.

He asked Curtis to present his proposed pre-litigation settlement agreement to him, and the board could consider it again at a future meeting.

Newman made a motion to table the issue. Demps seconded, and the measure passed 4-0. Commissioner Pam Feagle was not present at the meeting.

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impaired, call 1-800-955-8771 (TDD); if you are voice impaired, call 1-800-995-8770 (V) (Via Florida Relay Services).

SUWANNEE RIVER WATER MANAGEMENT DISTRICT DECLARATION OF PHASE II WATER SHORTAGE

The Suwannee River Water Management District (District) has issued a Phase II Water Shortage Order, WSO 26-002 for water uses within all Counties located in the District, including all locations in Alachua and Levy counties, excluding the cities of Gainesville, Micanopy, and Hawthorne located in Alachua County.

To learn more or to view WSO 26-002, visit our website at www.mysuwanneeriver.com.

NOTICE OF PUBLIC HEARING

The Taylor County Planning Board will hold a public meeting April 2, 2026, at 5:00 pm, or soon after as possible, at the Taylor County Administrative Complex located at 201 East Green Street, Perry, Florida 32347 to consider petitions for variance petition and land development.

- 1) A variance petition V05-2026 by owner Richard Schmitz, is seeking a 5' variance on the East front setback, and a 1'-8" variance on the North side setback. It was discovered after the permit was issued and the building was purchased that the property line extended almost 6' into the canal, thus creating the need for this variance. Section 25, Township 07, Range 07, Parcel Id 06923-100.
- 2) A Land Development application by SRM materials c/o Ryan Hollingshead is seeking to construct an aggregate mine. According to

LEGALS

Sections 42-409(a)(5) and 42-409(b)(6) of the Land Development Code, Mining is an allowable use within the Agricultural 1 and 2 districts which these parcels are located. Section 05, Township 04, Range 06, Parcel Id 01526-000, 40 acres,

Section 06, Township 04, Range 06, Parcel Id 01529-000, 480 acres, Section 07, Township 04,

Range 06, Parcel Id 01530-000, 640 acres, Section 08, Township 04, Range 06 Parcel Id 01532-

000, 160 acres, Section 17, Township 04, Range 06, Parcel Id 01544-000 40 acres, Section 18,

Township 04, Range 06, Parcel Id 01545-000, 638 acres, for a total of 1998 acres.

3) A variance petition V06-2026 by owner Paul P. Akins is seeking an 8' variance on the Westside of his property, so he doesn't have to move his RV septic and electrical connections that are very close to the abandoned part of Central

Avenue East. Section 30, Township 09, Range 10, Parcel Id 10521-100. Copies of associated documents are available for public inspection at the Planning Administration Complex, located at 201 East Green Street, Perry, Florida 32347.

All persons are advised that if they decide to appeal any decision made at the above referenced public hearing, they will need a record of the proceeding, and that, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes their testimony and evidence upon which the appeal is to be based.

INVITATION TO BID TAYLOR COUNTY PRIMARY SCHOOL COVERED WALKWAY

The Taylor County School Board is presently accepting bids for the construction of a 240-foot Aluminum Covered Walkway to be installed at

the Taylor County Primary School. Engineered Plans and Specifications can be obtained by calling Dan Anderson at 850-672-0067 or email at dan.anderson@taylor.k12.fl.us. A pre-bid meeting will be held on site at Taylor County Primary School, 1000 Howard Drive, Perry, Fla. on Tuesday, April 14th at 10:30 A.M.. Sealed Bids will be accepted no later than 10:30 A.M. on the date of Thursday, April 23rd.

INVITATION TO BID TAYLOR COUNTY MIDDLE SCHOOL COVERED WALKWAY

The Taylor County School Board is presently accepting bids for the construction of a 90-foot Aluminum Covered Walkway to be installed at the Taylor County Middle School. Engineered Plans and Specifications can be obtained by calling Dan Anderson at 850-672-0067 or email at dan.anderson@taylor.k12.fl.us. A pre-bid meeting

will be held on site at Taylor County Middle School, 601 E Lafayette St. Perry, Fla. on the date of Tuesday, April 14th at 10:00 A.M.. Sealed Bids will be accepted no later than 10:00 A.M. on the date of Thursday, April 23rd.

NOTICE OF INTENTION TO REGISTER FICTITIOUS NAME

TO WHOM IT MAY CONCERN: Notice is hereby given that the undersigned, pursuant to the fictitious name statute, Chapter 20953 or Section 865.09, Florida of State, Corporation Division, Tallahassee, Florida, upon receipt of proof of publications of this notice the fictitious name, to-wit: Sheffield Real Estate Properties under which we/I will engage in business. I/we expect to engage in business in Perry, Florida and our address is: 216 W. Green St. The extent of ownership is: James R. Sheffield 100%



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