

Board of Adjustment
Page One

February 1, 2006
Apalachicola, Fl.

The Franklin County Board of Adjustment met in regular session in the Franklin County Courthouse on Wednesday, February 1, 2006, at 9:00 a.m.

PRESENT:	Vance Millender	Chairman
	Joe Hambrose	Member
	Bryant Hand	Member
	Richard Harper	Member

ABSENT:	Billy Granger	Vice Chairman
	Mike Schneider	Member

The meeting was called to order by Chairman Vance Millender, who thereafter presided.

On motion by Member Hambrose, seconded by Member Harper, and by unanimous vote of the members present, it was agreed to approve the minutes of the Meeting of January 4, 2006, as mailed.

Rachel Ward explained that the request for a variance to construct a rock revetment within the Critical Habitat Zone on property described as Lot 3, Tract 51, East End, St. George Island, Franklin County, Florida, had been withdrawn.

Since no one was in the audience to represent the Lott Family, it was agreed to skip over Item # 3 to allow them time to arrive.

The next item on the agenda was consideration for a request to construct an open deck 16 feet into the Critical Habitat Zone on property described as South Shoal Village lying in Section 6, Township 7 South, Range 1 West, Alligator Point, Franklin County, Florida. This request was submitted by Steve Fling, agent for South Shoal Development. Ms. Ward said the county recommends approval of this project. She said decks are allowed in the Critical Habitat Zone because they are open and allow for percolation.

After some discussion, and on motion by Member Harper, seconded by Member Hambrose and by unanimous vote of the members present, it was agreed to recommend this request for variance be approved as requested.

Dan Garlick of Garlick Environmental Associates, Inc., agent for Deer Partners LLC then presented a request for a variance to construct a seawall with riprap on

Board of Adjustment
February 1, 2006
Page 2

property described as 2142 US Highway 98, lying in Section 35, Township 7 South, Range 5 West, Carrabelle, Franklin County, Florida.

Much discussion followed concerning this variance request. The seawall will be constructed connecting to the previously permitted seawall which has created lots of controversy. Mr. Keith Hardy represented his parents, Ralph and Catherine Hardy, the adjacent property owners. Mr. Keith Hardy expressed concerns regarding erosion from wave action that would be created by the seawall.

Alan Pierce stressed that while the seawall is greatly needed to protect this area and Highway 98 from further erosion, it is also important to protect the property adjacent to the seawall. He suggested that perhaps the end wall of the structure could be reconfigured to slope toward the front of the property, which would decrease the dramatic change in elevation between the two properties. The Hardys expressed that their concern was more for erosion prevention rather than aesthetics of the seawall.

Attorney Barbara Sanders spoke for Deer Partners LLC. She suggested the variance be issued subject to the engineers for the project re-drawing the plans to reduce the wing wall of the seawall. This led to discussion of the importance of the wing wall and the stability of the structure.

Mr. Keith Hardy felt that if this variance were granted without the issues being resolved, the interest of the adjoining property owners would be overlooked. Both parties presented pictures which represented before and after construction views of the adjoining seawall.

After much discussion, and on motion by member Harper, seconded by Member Hand and by unanimous vote of the members present it was agreed to table this request to allow both parties time to discuss the matter and see if they could come up with a resolution.

The commission then reviewed a request for a variance to construct a cantilevered deck 8 feet into the front setback line off of US Highway 98 for property described as Lot16, Block 105 of an unrecorded subdivision in Eastpoint, Franklin County, Florida.

Board of Adjustment
February 1, 2006
Page Three

In the absence of Moore Bass Consulting, the request was submitted by the owner, Jamie Crum.

Rachel Ward told the members that the county recommended that this variance not be granted. She explained that the building has not been constructed and while Mr. Crum is trying to build to the maximum capacity of the lot, it is the county's position that the hardship is created by the size of the building and not by the land itself.

Following a request from the owner, and on motion by Member Harper, seconded by Member Hand, and by unanimous vote of the members present it was agreed to table this item until the next meeting to allow the architect for the project to be present.

The board then heard a request for a variance to construct decks within the Critical Habitat Zone on property described as Lot 3, Block S, Unit 5, Peninsular Point, Alligator Point, Franklin County, Florida, as requested by Poole Engineering, agent for Barney Crutchfield, owner.

Ms. Ward explained that the deck is being built on an existing house located in the Critical Habitat Zone. She said that the neighbors had been notified and no objections had been received.

After some discussion and on motion by Member Hambrose, seconded by Member Hand and by unanimous vote of the members present, it was agreed to recommend this variance be granted as requested.

The board then revisited Item #3 on the agenda; the request for a variance to construct a single family dwelling 1-1/2 feet into both side lot lines on property described as Lot 67, Holiday Beach, Unit One, Alligator Point, Franklin County, Florida. The request was submitted by Edwin and Lydia Lott, owners.

Mr. Lott said that his house had been destroyed by the hurricanes. He went on to explain that the insurance company had only paid for the damages for the portion of the house which had been torn up by the storm. However, the county had said the house was condemned and should be demolished. He expressed that it was a financial hardship to rebuild. He further explained that he is working with modular home companies to find a

Board of Adjustment
February 1, 2006
Page Four

house that will fit the setbacks of the lot. He said this was the affordable solution. However, this is the closest he has come to finding a pre-constructed home that will fit on the lot.

While the members were sympathetic to Mr. Lott's financial hardship, it was noted by Member Harper that financial hardships were not a consideration for a variance to be issued.

Member Millender said that if there was no objection by the neighbors, he felt it should be granted. However, after some discussion and on Motion by Member Hambrose, seconded by Member Hand and by unanimous vote of the members present, it was agreed to table this request to allow the owner time to find a plan that would fit the lot without needing a variance.

Dan Tonsmeier, with the Apalachicola River Keepers made a presentation to the members on the Critical Habitat Area buffer zones. He explained that the Apalachicola River Keepers had received a grant to study the buffer zones. He explained the importance of the buffer zones and how they contribute to and support the aquatic habitat of the river and bay systems.

There being no further business, the meeting adjourned at 10:40 a.m.

Vance Millender, Chairman

ATTEST:

Rachel L. Ward, Zoning Director