

The Franklin County Board of Adjustment met in regular session on Wednesday, April 4, 2007, at 9:00 a.m. in the Annex of the Franklin County Courthouse. The attendance was as follows:

PRESENT:

Vance Millender - Chairman
Richard Harper - Member
Joe Hambrose - Member
Bryant Hand - Member

ABSENT:

Gil Autrey – Member
Trina Johnson – Alternate

The first item on the agenda was approval of the minutes of the meeting from March 1, 2007, as mailed. On motion by Member Harper, seconded by Member Hambrose, and by unanimous vote of the members present, it was agreed to approve the March 1, 2007 minutes.

At this time, Ms. Rachel Ward explained that a request for a re-consideration for a variance for Michael S. McGarry to relocate an existing dwelling 15 feet into the front setback line had been left off the agenda when it was mailed. The request had, however, been advertised in the newspaper and according to the County Attorney could be considered at this meeting. The request appears as item number five (5) on the corrected agenda.

The second item on the agenda was for consideration of a request for a variance to construct a deck nine feet into the side setback line on property described as Lot 19, Block 87, Unit 5, St. George Island, Franklin County, Florida. The request was submitted by Mason and Marilyn Bean, Owners.

Mr. Bean made the presentation. He explained that he had obtained the house through default. He explained that the house is build one foot from the property line with a deck which extends out over the property line. He said he would like to remove the portion of the deck which extends over the lot line and rebuild the deck on the front of the house to the same width as the house. He noted that he is also the adjoining property owner.

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After brief discussion, and on motion by Member Harper, seconded by Member Hand and by unanimous vote of the members present it was agreed to recommend the County Commissioners grant this variance request.

The next item was consideration of a variance from the Franklin County Flood Ordinance to construct a single family house seven inches below the required base flood elevation of 18 feet above mean high water on property described as Lot 19, Block C, Unit 1, St. James Island Park, Franklin County, Florida. The request was submitted by William P. and Kathleen Kinser, Owners.

Mr. Alan Pierce told the board that to his knowledge the county had never granted a variance to build a dwelling below the base flood elevation requirement. He told the members that the only buildings granted variances from the flood requirements are C-1 seafood related structures. The buildings are allowed to build below base flood because they are water dependent and built to be flow through so that water will not damage them.

He noted that the only other time a variance was granted was to Steve Fling for a bathroom facility at Alligator Point, which later had to be rescinded.

He went on to explain that, if this variance from height requirement is granted, it could potentially jeopardize the flood insurance rating program for the entire county. He said Franklin County voluntarily participates in a Community Rating System (CRS) program. The county receives points for participating in the program which, in turn, translates into lower flood insurance premiums for the citizens of Franklin County. As part of the program, the NFIP (Nation Flood Insurance Program) audits the building permits issued in Franklin County each year to insure that the county does not violate the flood requirements. He said that Mark Curenton is currently serving as the CRS Coordinator for the county. He also said that Rachel Ward and Amy Ham have taken a week long class and would eventually take over as CRS Coordinators.

Mr. Pierce said that Rose Austin from the NFIP had been contacted regarding this request and she had expressed to the building department that the county

does not have the authority to issue this variance. If granted, it could cause a 10% increase in the flood insurance rates for the entire county.

Mr. Kinser informed the Board of Adjustment Members that they were requesting to build seven inches below the required 18 feet height above mean high water because the contractor he had hired assured him that the house under construction met the height requirement; only to find that once the house was framed in, it did not meet the height requirement. He expressed that he felt it was the county's responsibility because the building department did not catch the error until his house was already framed in.

Mr. Pierce explained that it is up to the contractor or the Owner Builder, in this case, to obtain an Elevation Certificate once the floor has been established to prove the house meets the flood requirements. Mr. Pierce stated that no Elevation Certificate was provided prior to going on to the framing of the dwelling, although Ms. Rachel Ward did request the Elevation Certificate several times. He noted that it is not the building department's responsibility to prove the height is met. This can only be determined by an Elevation Certificate provided by a licensed surveyor.

Much discussion ensued concerning this matter. Mr. Kinser said that he had received \$30,000.00 from his insurance company to raise the house to meet the flood requirements. He said that he will have to refund this money if the house does not meet the requirements. On the other hand, if the variance is not granted, it will cost him approximately \$100,000.00 to have the house raised to meet the requirements. He expressed that he felt this would be putting a band-aid on the problem. Mr. Kinser said he is willing to pay the higher price for flood insurance, if the county will grant the variance.

Member Harper stated that while he sympathizes with Mr. Kinser, financial hardships are not a basis for issuing a variance. He noted that it is the board's responsibility to look at what's best for the overall county. He said once a precedent is

set, he feels that this board will not be able to refuse the next person who request the same thing

Mr. Pierce pointed out that while Mr. Kinser is willing to pay the higher insurance premium, the higher premiums will not stop there. He said that every citizen in Franklin County will have to pay the higher premiums.

Chairman Vance Millender asked Mr. Pierce how FEMA would look at the situation. He asked if the variance is granted, the house is built and then the variance has to be rescinded, what will happen?

Mr. Pierce explained that once the house is built and power is issued, the county will have no leverage to make Mr. Kinser comply with the requirements.

Mr. Millender said he was compelled to allow Mr. Kinser the variance. Member Hand also expressed concern for Mr. Kinser. After much discussion Member Millender made a motion to recommend approval of the variance for Mr. Kinser. The motion was seconded by Member Hand. However, the motion failed due to a two-two vote of the members. The vote was as follows:

YEA:
Vance Millender
Bryant Hand

NAY:
Richard Harper
Joe Hambrose

Mr. Pierce informed Mr. Kinser that the Board of County Commissioners would act on the request at the next regular meeting on April 17, 2007 at 5:00 p.m.

The next item on the Agenda was consideration of a request for a special exception to cluster 21 lots on 21.16 acres on property described as lying in Section 35, Township 7 South, Range 5 West, between Eastpoint and Carrabelle, Franklin County,

Florida. The request was submitted by Garlick Environmental Associates, Inc., Agent for Shell Bay Development Corporation, Owner.

Dan Garlick made the presentation to the members of the Board of Adjustment. He said the owners have obtained an additional 1.35 acres and have included it into the subdivision for a total of 21.16 acres. Some discussion followed concerning the overall layout of the project. The Hardys, who live across from the subdivision, were present and expressed concerns regarding the storm water runoff. Mr. Keith Hardy and his wife Uta Hardy said their family is concerned because of the clearing in the proposed pond area. Mr. Hardy said the area was to remain under conservation. Keith Hardy told the board that the clearing had been done on the week end when there was no one around to stop them.

Dan Garlick noted that the area was a conservation easement not a preservation easement. He stated the clearing had been done to remove dead trees from the area. Mr. Garlick assured the Hardees that before Final Plat Approval, all DEP Storm Water Permits would be in place.

Member Harper had some concerns regarding the size of the lots. Mr. Akins who owns the property assured everyone that the average acreage is essentially the same as approved on the original plat. Mr. Harper inquired about he additional lots on the South side of Highway 98. Attorney Michael Shuler told the members that this was shown at the request of himself and the building department. He said they were asked to show the overall project so that everyone would know what was going to happen. He noted that the south side lots were not considered in the plat for the Shell Bay Subdivision.

Ms. Rachel Ward informed the Board that the project met the requirements for clustering and recommended approval of the project.

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After some discussion and on motion by Member Millender, seconded by Member Hand, and by the following vote, it was agreed to recommend that the Board of Commissioners approve the project for clustering 21 lots on 21.16 acres as requested:

YEA:	NAY:
Vance Millender	Richard Harper
Bryant Hand	
Joe Hambrose	

The final item on the agenda was for consideration of a request for a variance to relocate an existing dwelling 15 feet into the front setback line on property described as Lot 2, Block 12, Unit One, Dog Island, Franklin County, Florida. The request was submitted by Michael S. McGarry, Owner.

Ms. Ward told the members that this was a reconsideration of a previously issued variance which had expired before the owner could obtain his building permit.

After brief discussion and on motion by Member Harper, seconded by Member Hand and by unanimous vote of the members present, it was agreed to recommend this variance request be approved.

There being no further business, the meeting adjourned at 10:30 a.m.

Vance Millender, Chairman

ATTEST:

Rachel L. Ward, Zoning Administrator

