

The Franklin County Board of Adjustment met in regular session on Wednesday, May 2, 2007, at 9:00 a.m. in the Annex of the Fanklin County Courthouse. The attendance was as follows:

PRESENT:

Gil Autrey -----Member
Richard Harper – Member
Joe Hambrose ---Member

ABSENT:

Vance Millender – Chairman
Bryant Hand -----Member

In the absence of Chairman Vance Millender, the meeting was called to order by Richard Harper, Acting Chairman.

The first item on the agenda was approval of the minutes of the meeting from April 4, 2007, as mailed. On motion by member Autrey, seconded by Member Hambrose, and by unanimous approval of the members present, it was agreed to approve the April 4, 2007 minutes as mailed.

The next item on the agenda was consideration of a request for an after-the-fact variance for construction of open decks 4.6 feet into the right side lot line and 3 feet into the left side lot line on property described as Lot 32, Alligator Harbor, Unit 3, Alligator Point, Franklin County, Florida. The request was submitted by Frank Gomez and Katherine Gomez, owners.

Ms. Rachel Ward of the Planning & Building Department explained that this is an after-the-fact variance request for a house which was recently constructed. She noted that the original site plan did not indicate the walk ways. However, the owner had submitted an “As Built Survey” which the county does not normally require prior to issuance of a Certificate of Occupancy (C.O.). While reviewing the survey, Ms. Ward said she noticed the walkways and the A/C unit platform were extended into the side setbacks. She also noticed that the house had been located one foot into the side setback line.

Mr. Frank Gomez explained that the walk ways were installed in order to set the A/C unit and to make servicing the unit more accessible. He said this also allowed for

egress and fire escape for the back portion of the dwelling. He said he did not know there would be a problem.

He said the reason the house protruded into the side setback line was that when the workers went to site the location of the house there was a pine tree growing in the place where the marker should have been placed. Unknowingly to him, instead of cutting the pine tree, the workers moved the marker out from the tree about one foot.

Mr. Gomez told the Board that he was under the impression that eve overhands and A/C platforms were allowed within the setback. He urged the members to consider a more lenient setback requirement. He said a fifteen (15) feet combined setback between two dwellings would allow a home owner more options. For example; if one dwelling is 10 feet from the property line, the dwelling on the other side of the property line could be five (5) feet.

Much discussion followed concerning Mr. Gomez's knowledge of the building codes and restrictions considering that he has been a licensed contractor in Franklin County since approximately 1978.

Ms. Ward explained that it would take a zoning code amendment to change setbacks. She noted that the Board of Adjustment did not have the authority to do this.

Mr. Michael Shuler, County Attorney, stated that to his knowledge eve overhangs and A/C platforms were considered in the overall footprint of the house. He said he was not aware of any changes which allowed building in the setback without a variance.

Adjoining neighbor, Ms. Joan Melnick, was in attendance and spoke in favor of the variance. She said if Mr. Gomez had to remove the walk ways, it would most definitely detract from the appearance of the house.

Ms. Ward explained that had Mr. Gomez not submitted the "As Built Survey", no one would have been aware of the intrusion into the setbacks. She noted that both Mr. Gomez's neighbors had indicated they had no objections to the variance. She said she would recommend approval of the after the fact variance.

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After much discussion Member Hambrose made a motion to recommend denial of this variance request. The motion was seconded by Member Harper. The motion to recommend denial of the variance was approved by the following vote:

YEA:	NAY:
Richard Harper	Gil Autrey
Joe Hambrose	

Member Harper told Mr. Gomez that the final decision would be made by the Board of County Commissioners at the meeting to be held on May 15, 2007.

The next item on the agenda was consideration of a request for a variance to locate a portable building 3.5 feet into both side lot lines on property described as Lot 21, Block 5, Unit One East, St. George Island, Franklin County, Florida. The request was submitted by John Shultz, Owner.

Ms. Ward explained that this too is an after the fact permit. Mr. Shultz has a portable building placed on an existing commercial lot located at 116 East Pine Ave., St. George Island. Ms. Ward said this is basically the same variance granted for the other 25' wide lots on St. George Island. She said there is an existing book store on the back of the property. The portable building will be used for a produce stand.

Member Harper inquired whether a building permit will be needed. Ms. Ward explained that anything over 100 square feet requires a building permit.

After brief discussion, Member Autrey made a motion to recommend approval for this variance request. Member Hambrose seconded the motion. Michael Shuler interjected that he would like to see the motion amended to indicate that this variance was contingent on the portable building being a temporary building and not a permanent structure. Being, so amended, the board voted unanimously to recommend the Board of County Commissioners approve the variance request to locate a temporary portable building 3.5 feet into the side setback as requested by Mr. Shultz.

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There being no further business, the meeting adjourned at 9:30 a.m.

Vance Millender, Chairman

ATTEST:

Rachel L. Ward, Zoning Administrator