

The Franklin County Board of Adjustment met in regular session on Wednesday, June 6, 2007 at 9:00 a.m. in the Franklin County Courthouse Annex. The meeting was called to order by Chairman Vance Millender, who thereafter presided.

Attendance was as follows:

PRESENT:
Vance Millender ----Chairman
Gil Autrey -----Member
Joe Hambrose -----Member
Richard Harper -----Member

ABSENT:
Bryant Hand----Member

The first order of business was approval of the minutes of the May 2, 2007 meeting as mailed. On motion by Member Autrey, seconded by Member Harper, and by unanimous vote of the members present, it was agreed to approve the May 2, 2007 minutes as mailed.

Regarding the request for consideration for a variance to construct a rock revetment within the Critical Habitat Zone as requested by Charles W. and Stephany Shadel, owners; Mrs. Rachel Ward explained that the owners had requested to have the item tabled until the next meeting because they would be out of town. On motion by Member Hambrose, seconded by Member Autrey, and by unanimous vote of the members present, it was agreed to table this request until the next meeting.

At this time, Mr. Alan Pierce explained to the Board Members and those in attendance that the Board of Adjustment also acts as the Board of Appeals for those who wish to appeal an administrative decision regarding a variance request.

Mr. Pierce went on to explain that Ms. Diane Wyatt and Mr. John Clark, as owners, had applied for a variance of 1.36 feet to the 35 ft. height limit above the first habitable floor for a total of 36.6 feet on property described as Lot 3, Cara Bay Estates, 1163 Russel Way, St. George Island, Franklin County, Florida.

He said that upon application of the variance request, both he and Mr. Robin Brinkley, Building Official, had reviewed the information presented and determined that

based upon his knowledge of the project, it did not qualify for a variance from the height limit.

Therefore Mr. Pierce was asking that the Board of Adjustment hear Mr. Clark's request for an appeal to the administrative decision of Mr. Brinkley.

In defense of his request for an after the fact variance from the 35 feet height requirement, Mr. Clark stated that he was not aware of the problem until the roof was already on the house. He noted that the trusses were delivered by Taunton Truss on November 22, 2006 and raised in place on December 20, 2006. He said the trusses were completed on January 11, 2007. He said he did not receive the notice from Mr. Brinkley stating there was a problem until the roof had been completed.

Mr. Clark went on to explain that he felt it was not his fault because the problem should have been caught by the building inspector before the house got to this stage. He said they (the Building Department) had plenty of time to notify him and they did not. He said the original plans were for permit purposes only and not for construction. He said none of the plans showed him how to construct the pool on top of the dwelling. He also said that on page S2.1 of the plans showed the top floor wall at 15 feet and the building department did not say anything about this.

Mr. Clark explained that this was not an intentional disregard for the building height requirement, but the roof could not be cut down. He said he received a letter from Mr. Brinkley on January 29, 2007 informing him that he needed to present an elevation certificate showing the height of the building and the first finished floor.

Mr. Clark entered into the minutes the letter and his building plans for construction.

Mr. Robin Brinkley, Building Official for Franklin County, informed the members that the January letter was not the first time Mr. Clark had been informed about the concern over the height of the dwelling. He said Mr. Clark presented plans showing

the pilings were too high and was told upon issuance of the building permit that the house could not be constructed as shown on the plans. He said he had marked the changes on the plans before they were returned to Mr. Clark. He said Mr. Clark went ahead and built the house too high anyway.

Much discussion followed concerning the construction of the structure. Mr. Brinkley did however, note that the set of plans on file in the building department showed the third floor wall at 13' and not 15' as Mr. Clark had indicated. Mr. Brinkley stated that Mr. Clark had been informed of the problem with the height on several occasions. He said Mr. Clark ignored the warnings.

Mr. Clark argued that he could only be denied the variance if he were personally held responsible. And since he felt the building department was in part to blame; then he could not be denied the variance.

Several board members expressed their opinions that Mr. Clark, as contractor, should have been aware of the regulations for building in Franklin County before taking on the responsibility.

Member Hambrose asked about the contractor for the project. Mr. Clark indicated that he had hired Mr. Billy Hicks of St. George Island as his contractor of record. Mr. Hicks was not present to speak on Mr. Clark's behalf.

Mr. Clark inquired if he could raise the first floor level and meet the requirements? Mr. Brinkley said this might be an option. The Building Department would be open to working with Mr. Clark toward a workable solution.

Chairman Millender said he would like to give Mr. Clark the chance to work this out with the building department. Mr. Shuler told Mr. Clark to have his engineer submit this change to the building department for review. If the changes were approved by an engineer, then this may solve the problem, subject to approval or disapproval by the Advisory Board of Adjustment and the Board of Adjustment.

On motion by Member Autrey, seconded by Chairman Millender, and by unanimous vote of the members present it was agreed to recommend that this matter be

tabled to allow Mr. Clark time to try to come up with a plan which would be acceptable to the building department. The motion carried unanimously.

Mr. Clark reiterated his statement that according to section 315.08 of the building code, it was only the homeowner's fault if the problem directly resulted from something he did.

Mr. Shuler stated that in no way was the county accepting any responsibility for Mr. Clark's problem. The problem was a result of Mr. Clark's and his contractor's lack of knowledge. And by agreeing to allow Mr. Clark to come up with an acceptable plan to fix the problem, it did not in any way indicate responsibility on the part of the county.

Mrs. Ward explained that the next regular meeting would fall on July 4th, which is a legal holiday. With this in mind, the members decided to set the meeting for Monday, July 2nd at 9:00 a.m. Mrs. Ward said she would check the court schedule and notify the members where the meeting would be held.

There being no further business and on motion by Member Autrey, seconded by Member Harper and by unanimous vote of the members present, the meeting was adjourned at 9:30 a.m.

Vance Millender, Chairman

ATTEST:

Rachel L. Ward, Zoning Director

