

The Franklin County Board of Adjustment met in regular session on Wednesday, August 2, at 9:00 a.m. in the annex of the Franklin County Court House. Chairman Vance Millender called the meeting to order.

PRESENT:	Vance Millender	Chairman
	Richard Harper	Member
	Joe Hambrose	Member
ABSENT:	Bryant Hand	Member
	Billy Granger	Member
	Mike Schneider	Alternate Member

Ms. Ward told the members that Mr. Granger has resigned from the Board of Adjustment.

The first item of business was to approve the minutes of the July 12, 2006 meeting. On motion by Member Harper, seconded by Member Hambrose, and by unanimous vote of the members present, it was agreed to approve the minutes of the July 12, 2006, meeting as mailed.

The next item on the agenda was consideration of a request to construct a house five feet above the nine feet height limit on property describes as Lot 5, Block C, Unit 1, Peninsular Point, Alligator Point, Franklin County, Florida. The request was submitted by Jim Cummins, as owner.

Ms. Ward explained that the Building Department had requested that the Board of County Commissioners abandon the nine feet maximum height limit and approve, instead, an overall height limit of 35 feet. This would allow the homeowners to build above the wave action of a storm and save a considerable amount of money on the flood insurance premiums.

Ms. Ward told the members that the Commissioners, in lieu of changing the maximum height requirement, had agreed to address the issue on a variance basis; looking at each request individually.

Mr. Cummins addressed the members and explained that he would like to build his house five feet above the nine feet height limit in order to raise his house above the

wave action of a 100 year storm. He explained that he is a Florida Licensed Engineer and has engineered his house to withstand the winds of hurricanes, but if the wave action reaches his house, there would be no hope of survival for the house. Mr. Cummins also explained that in addition to the increased safety issue, building above the nine feet elevation would substantially reduce the amount of his insurance premiums. He quoted figures from the July 29, 2006 issue of "The Apalachicola Times". The figures were quoted from an interview with Mr. Mark Curenton, Assistant Planner for Franklin County, and CRS (Community Rating System) Coordinator. Mr. Curenton works closely with the Federal Emergency Management Agency on the Flood Insurance Program for Franklin County. He said building 2' above the base flood requirement would present a 70% reduction in his flood insurance premium. Mr. Cummins explained that his house would still not be above the overall 35 feet height restriction of the county.

Much discussion followed regarding this variance request. Member Harper told the members that he would like to have more hard facts and figures before he could make a decision which might set precedence for allowing homeowners to build above the base flood requirement.

Ms. Ward explained that the figures presented by Mr. Cummins were factual. She explained that Mr. Curenton had met with representatives of FEMA and researched the matter extensively at the request of the Franklin County Commissioners. Ms. Ward then asked Mr. Curenton to address the members and explain the information again. Mr. Curenton reiterated Ms. Ward's presentation.

Still, Mr. Harper insisted that he be allowed to meet with an insurance representative and Mr. Curenton, if necessary, in order to have a better understanding of the facts and figures.

Both Mr. Curenton and Ms. Ward explained that for the most part, the flood insurance program is underwritten by the Federal Government. Further, these figures came from information obtained from the FEMA Representative.

However, Members Harper and Hambrose insisted that they be allowed to study the issue before making a decision. Member Harper favored tabling the issue until next month. However, Mr. Cummins expressed that he is seaward of the Coastal Construction Control Line and time is of the essence for him to make application to DEP; which he can not do until the variance request is approved.

Ms. Ward, Mr. Curenton and Mr. Michael Shuler explained that it was their understanding that the County Commission wanted these height variances addressed.

After much discussion, and on motion by Member Harper, seconded by Member Hambrose and by the following vote, it was agreed to recommend that this request for height variance be tabled until the September Meeting.

AYE: Richard Harper
Joe Hambrose

NAY: Vance Millender

Mr. Cummins expressed dissatisfaction that the members did not take action on his request. He repeated that time is of the essence and this will set him back substantially.

Ms. Ward explained that the next item on the agenda was also for a variance to construct a dwelling 3.5 feet above the nine feet height limit on property described as Lot 37, Alligator Harbor, Unit 3, Alligator Point, Franklin County, Florida. The request was submitted by Mr. John B. Cooler, Owner.

Mr. Cooler explained that he is not seaward of the Coastal Construction Control Line. He is requesting the 3.5 feet allowance for safety, as well as financial reasons. He echoed Mr. Cummins facts and figures on the cost of the flood insurance premiums.

Both Ms. Ward and Mr. Shuler recommended approval of the request for variance from the height limit.

After much debate, Mr. Harper conceded that perhaps the members should reconsider their stance on the subject of height variances. Mr. Shuler instructed the members that perhaps they should consider putting the matter in the hands of the Board of County Commissioners for final decision.

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On motion by Member Harper, seconded by Member Hambrose and by unanimous vote of the members present it was agreed to resend the previous motion to table Mr. Cummins request for variance from the height limit.

After which, Member Harper made a motion which was seconded by Member Hambrose to recommend denial of Mr. Cummins request for variance. The motion passed by the following vote:

AYE: Richard Harper
Joe Hambrose

NAY: Vance Millender

Also on motion by Member Harper, seconded by Member Hambrose and by the following vote, it was agreed to recommend the variance request by Mr. Cooler, be denied.

AYE: Richard Harper
Joe Hambrose

NAY: Vance Millender

The final item before the board was consideration of a request for a Special Exception to cluster 19 lots on 19.8 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 presented by Dan Garlick, Agent for Shell Bay Development Corporation, owner.

Mr. Garlick explained that the previously approved 12 lot subdivision would be abandoned contingent upon approval of this sketch plat.

Some discussion followed concerning why the abandonment would be contingent upon approval of the sketch plat. Mr. Garlick explained that should this sketch plat not be approved, the owners did not want to have to go through the re-approval process for the previously approved subdivision.

Ms. Ward read into the minutes several letters which she had received. The letters addressed the drainage issue and how it would be handled.

Mr. James Boone, adjoining property owner, addressed the board with concerns about the drainage. He said he has a six acre parcel next to this which he bought with the understanding that it would be one dwelling per acre. He said that if the cluster development is allowed, this will give him four dwellings next to his property with four septic systems in an already sensitive area. He told the board that he had given three acres to the state because they were wetlands. He said the property joining his is a wetland area. He expressed concern that having the septic systems this close to his well might be a health hazard. In addition, he said, at least 50% of the runoff flows through this area.

Mr. Boon noted that he held a Class B Waste Water Treatment License as well as an Associated Degree in Pollutants Control prior to becoming a nurse. He explained that he is willing to meet with the representatives from Shell Bay to try to work out a solution.

Ms. Uta Hardy spoke for her Mr. Ralph Hardy who was unable to be present. She expressed concerns about the run-off. She asked that the owners of the adjoining property present an overall view of what they are proposing for the area. She said, they are not necessarily objecting, but would like to know what the entire scope is for the project.

Mr. Garlick stated that the runoff for the property on the South of Highway 98 would flow to the West. He also noted that there are two large, 36" culverts which run under the highway which will sufficiently handle the runoff from the development.

Mr. John Cooler, from the audience, spoke as an independent interest. Mr. Cooler said he used to own property in this location, but had sold it. He said he has a degree in Marine Biology and previously worked with the Regional Permit Administration for Coastal Carolinas. He said he had studied the issues and felt the drainage was adequate for the proposed development.

There was much discussion regarding whether the developers should be required to provide a conservation easement for the common area.

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Ms. Ward explained that the issue at hand was the development on the North of Highway 98 and the South of Highway 98 should be addressed at a latter date.

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 approval of this development request.

There being no further business, the meeting adjourned at 11:25 a.m.

Vance Millender, Chairman

ATTEST:

Rachel L. Ward, Zoning Administrator