

The Franklin County Board of Adjustment met in regular session on Wednesday, September 6, 2006 at 9:00 a.m. in the Franklin County Courthouse Annex in Apalachicola. The meeting was called to order by Chairman Vance Millender who thereafter presided.

The attendance was as follows:

PRESENT: Vance Millender – Chairman
Richard Harper - Member
Joe Hambrose - Member

ABSENT: Bryant Hand - Member
Mike Schneider - Alternate Member

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 August 2, 2006, as mailed.

The next item on the agenda was consideration of a request to construct a house 1.5 feet above the nine feet height limit on property described as Lot 4, Block 60, Unit 5, St. George Island, Franklin County, Florida. The request was submitted by Michael McWilliams, agent for TCG Holdings, LLC, owner.

Ms. Rachel Ward explained that the house is under construction and the piling height is 1 ½ feet above the base flood elevation requirement. There was much discussion regarding whether the building exceeded the overall height requirement of 46 feet. After review of the building plans it was determined that the overall height of the dwelling would not exceed the overall height limit. Ms. Ward said she recommended approval of the request. Some discussion followed concerning the way the overall height is measured.

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 request.

The board then heard a request from Mr. Paul Parker, agent for Sandra Ward, for a variance to replace fill within the Critical Habitat Zone on property described as Lot 79, Holiday Beach, Unit One, Alligator Point, Franklin County, Florida.

Ms. Ward explained that the erosion to the property was from Hurricane Dennis but they had not obtained a fill permit from the county within the exemption grace period. She said that her recommendation would be to approve the request for fill with some type of stabilization to prevent further erosion. After brief discussion and on motion by Member Hambrose, seconded by Member Harper and by unanimous vote of the members present, it was agreed to recommend approval of this request to replace fill within the Critical Habitat Zone.

The next item on the agenda was consideration of a request for a special exception to locate a 190 feet cell tower on Tract 10, The Soundings, between Eastpoint and Carrabelle in Section 18, Township 8 South, Range 5 West, Franklin County, Florida, as requested by Karl Hazen, agent for SBA Towers, Inc., applicant.

There was much discussion concerning this request. Mr. Carl Hazen explained that the cell tower is designed and engineered for application in residential areas. He said the tower is designed to collapse with an accordion effect within its own foot print. He further explained that the tower will be under 300 feet and will not be lighted. He explained that the tower will back up to the power line easement.

Mr. Jim Waddell said he was present representing both The Soundings East, and as a joint property owner to the West of the proposed cell tower. He said he has represented several cell tower projects and is not sure the proposed cell tower would fall as Mr. Hazen had said. He argued that the tower would be visible from the subdivision since the subdivision sits on a 25 feet ground elevation. Mr. Waddell expressed concern that access to the tower would create a lot of vehicular traffic and noise. He said if there were a power failure, the generators would kick on, creating a lot of noise. Mr. Waddell

said his objections to the cell tower are as follows:

- The ingress and egress – clearing an access will disturb areas of concern, including Ti Ti, low shrubs, sand pines and ground level vegetation.
- Progress Energy is not objecting only because the tower is outside their buffer zone.
- View – the sand pines are the tallest vegetation on their property, and as such, would not serve to obscure the cell tower.

Mr. Hazen assured the Board that if the cell tower should fall, it would fall as engineered. He further explained that the generators would only kick on in the event of an emergency situation. And, if that were the case, there would be an even greater need for the cell tower communications. As for access, he assured the members that the access would be through an existing driveway along the edge of the property, no additional clearing would be required. He noted that, once the tower is constructed, the only traffic would be light utility trucks.

Mr. Waddell expressed concern that the property was not wide enough for the tower fall zone. He said if the tower did not collapse as designed, it could put other properties in jeopardy. He then stated that he felt the notification process had failed him as a land owner.

Again, Mr. Hazen assured the members that the cell tower is engineered to collapse within its own foot print. He also noted that the tower is designed to exceed the 130 mile per hour wind load requirement.

After much discussion and on motion by member Hambrose, seconded by Member Millender, and by the following vote of the members present, it was agreed to recommend approval of this request contingent upon the tower meeting the fall zone requirements:

A YE: Vance Millender
Joe Hambrose

Nay: Richard Harper

Concerning consideration for a request for a variance to construct an equipment platform six feet into the side setback line on property described as Lot 22, Block 5, Unit One West, St. George Island, Franklin County, Florida, request submitted by Vertical Solutions, agent for Verizon Wireless, applicant.

Some discussion followed concerning this request. Ms. Ward recommended approval of the request. She explained that it is located on the alley side of the property and there is no place else to build the platform. She noted that the alternative would be for Verizon to build a new tower at a different location.

Member Harper said he did not feel there was a hardship.

After brief discussion and on motion by Member Millender, the motion died for lack of a second.

Ms. Ward explained that the request would go to the Board of County Commission on Sept 15, 2006 without a recommendation from the Board of Adjustment. The Board of County Commissioners would make a final decision.

There being no further business, the meeting adjourned at 10:55 a.m.

Vance Millender

ATTEST:

Rachel L. Ward, Zoning Administrator