

The Franklin County Board of Adjustment met in regular session on Monday, July 2, 2007 at 9:00 a.m. in the Annex of the Franklin County Courthouse. The meeting was called to order by Chairman Vance Millender, who thereafter presided.

The attendance was as follows:

PRESENT:

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

ABSENT:

Bryant Hand - Member

The first item on the Agenda was to approve the minutes of the meeting of June 6, 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 June 6, 2007 Minutes, as mailed.

The second item on the Agenda was Consideration of a request for a variance to construct a vacuum station 20 feet into the front setback line on property described as 120 Otterslide Road, Eastpoint, Franklin County, Florida. The request was submitted by George Allen, agent for the Eastpoint Water & Sewer District.

Mrs. Rachel Ward informed the members that there was no one present to represent this request. 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 table this item until the next meeting to have some one represent the request.

The third item on the Agenda was consideration of a request for a variance to construct a rock revetment within the Critical Habitat Zone on property described as Lot 15, Block 61, Unit 5, St. George Island, Franklin County, Florida. The request was submitted by Charles W. & Stephany Shadel, Owners. Mr. Mark Carroll was present to represent the owners in their absence.

Mr. Carroll told the members that the revetment was needed to stop the erosion on this lot. He stated that the water is uprooting trees and some are still hanging without soil to stabilize them. He said there needs to be some fill to protect the roots of the trees. He

told the members that the fill material used would be something which would not cause harmful runoff into the canal. Mr. Carroll told the members that the owners had applied to DEP for a permit. He was not sure if they had received the actual permit.

After brief discussion, and on Motion by Member Harper, seconded by Member Hambrose and by unanimous vote of the members present, it was agreed to recommend that the Board of County Commissioners approve this request for a rock revetment within the Critical Habitat Zone contingent upon receipt of the DEP Permit.

The fourth item on the Agenda was a request to have the Board of Adjustment and Appeals reconsider an appeal to an administrative decision to deny a request for an after-the-fact variance of 1.36 feet from the 35 feet height limit above the first habitable floor for a total of 36.36 feet on property described as Lot 3, Cara Bay Estates located at 1163 Russell Way, St. George Island, Franklin County, Florida. The request was submitted by Diane Wyatt and John Clark, owners.

Mr. John Clark presented the request for reconsideration. In his defense he told the members that he felt he had made his case at the last meeting in June when he had presented his evidence to the members. He stated that he was unaware of the problem until he was notified by mail. At which time his trusses had already been installed.

Member Harper stated that when a contractor pulls a permit, it is up to the contractor to get it right. It is not up to the building department or anyone else to be responsible for the project.

Mr. Robin Brinkley told the board that Mr. Clark was informed by telephone before the letter was ever written. He said he had informed Mr. Clark of the probability that there might be a problem before the trusses were installed, but Mr. Clark continued to build without providing the elevation certificate.

Chris Giametta told the members that he had reviewed the plans when they were presented for the building permit. He said he had noted the height correction on the plans prior to the permit being issued. He also said that the plans for the pool on the roof were not presented with the house plans. They were presented at a latter date.

Board of Adjustment
July 2, 2007
Page Three.

Mr. Clark stated that his house should not be too high because he actually built the house 7' from grade instead of 9' as noted on the plans. He stated that many houses on the island are much higher than his. Mr. Clark said he felt everyone let him down from the architect to the contractor. He reiterated that he did not think this was his fault.

Mr. Brinkley stated that Mr. Clark was notified that he needed an elevation certificate because he had concerns about the height. He said the bottom line was that Mr. Clark knew he was over the height limit. Mr. Brinkley told the board that he knew of one other house which had been built too high and the contractor was required to cut the roof back to within the height requirement.

Mr. Clark argued that the simple solution was to let him build the first floor up as suggested. He pleaded with the board to please allow him to do this. He said it's not as simple as a wood framed house because this is reinforced concrete.

Mr. Harper stated that the Board of County Commissioners had frowned upon the Board of Adjustment approving after-the-fact permits for homes over the height limit. Mr. Michael Shuler, County Attorney, told the members that they were right to act upon this request so that the Board of County Commissioners could make the final decision at the next scheduled meeting.

After much discussion and on motion by Member Harper, seconded by Member Hambrose and by unanimous vote of the members present it was agreed to recommend that the Board of County Commission support and uphold the building department's administrative denial of this variance request.

There being no further business, the meeting adjourned at 9:25 a.m.

ATTEST:

Vance Millender, Chairman

Rachel L. Ward, Zoning Director

