

The Franklin County Board of Adjustment met in regular session on Wednesday, October 03, 2007 in the Third Floor Meeting Room of the Franklin County Courthouse at 9:00 a.m.

Attendance was as follows:

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

The meeting was called to order by Chairman Vance Millender, who thereafter presided. The meeting was brought to order at 9:15 a.m. in order to allow the Moellers, who are requesting a variance, time to arrive. Mr. Rod Moeller had telephoned to say they would be a little late.

On motion by Member Harper, seconded by Member Hambrose, and by unanimous approval of the members present, it was agreed to approve the August 1, 2007 minutes, as mailed.

Mr. Mark Curenton of the Planning and Building Department told the members that item number 3 on the agenda would need to be tabled due to a mistake in the advertisement. It was agreed to address this request at the Special Meeting of the Board to be held on October 31, 2007.

The Moellers arrived at about 9:22 a.m. and the meeting proceeded. The Board addressed a request for a variance to construct a single family dwelling within a jurisdictional wetland and an aerobic system 29 feet into the Critical Habitat Zone on property described as 4181 St. Teresa Avenue, Franklin County, Florida. The Request was submitted by Rod Moeller, agent for Barbara Moeller and Joel Clark, owners.

Mr. Mark Curenton told the members that the aerobic system appeared to be closer than 29 feet in the wetland setback. By the site plan provided, the aerobic system would be about 5 feet from the wetlands boundary. He also told the members that the department had received an objection to the request from adjoining property owner,

Dr. Raleigh W. Rollins. Mr. Curenton read the objection to the members. He then introduced Mr. Rod Moellers, representative of the request.

Mr. Rod Moeller told the members that the state (HRS) is willing to issue the septic tank permit except for the County Ordinance which prohibits aerobic systems within 75 feet of the wetlands. He explained that DEP doesn't have a problem with building the house on pilings, but they will not issue a permit for fill nor would they allow a parking pad or parking under the house. He said the owners would be willing to comply with any restrictions the county wanted to place on the project.

Mr. Mueller told the members that the house would be a two-story, twelve-hundred square feet home. The house would have only a 600 square feet foot print in lieu of the 1,000 square feet foot print which would normally be allowed. He went further to say that the family would agree that if allowed to build as requested; they would not use any pilings or other building materials which have been treated with arsenic or other chemicals which would be harmful to the wetlands.

Mr. Mark Repasky, engineer for the Muellers, explained the specialized septic system which would be servicing the dwelling. He gave an informative overview of the performance based system and how it works better than other traditional systems. There was much discussion regarding the system.

Mr. Michael Shuler, County Attorney, reminded the members that one of the issues at hand was construction of the dwelling in the wetlands. Chairman Vance Millender stated that he had reservations about allowing development in the wetlands which may set precedence for other request. The other members expressed similar concerns.

Mr. Rod Moeller encouraged the members to visit the site before making a determination. He said the family would be willing to wait for a decision. Mr. Moeller asked Dan Garlick to speak on the family's behalf.

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Dan Garlick said that there are two kinds of wetlands; Jurisdictional, which drains into a larger body of water and Isolated Wetlands which are not connected to a larger body of water. He told the members that, in his opinion, the culvert which ran under the road and into the bay was what determined the wetlands were jurisdictional. He stated he did not know if the culvert was legal or not. He said, in his opinion, that the project, as requested, would be the most minimal impact on the wetlands

After much discussion and on motion by Member Hambrose, seconded by Member Harper and by unanimous vote of the members present, it was agreed to recommend to the Board of County Commissioners that this variance request be denied in its entirety.

There being no further business, the meeting adjourned at 10:22 a.m.

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Vance Millender, Chairman

ATTEST:

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Mark Curenton, Assistant Planner