

The Franklin County Board of Adjustment met in regular session on Wednesday, February 6, 2008, at 9:00 a.m. in the Franklin County Courthouse Annex. The attendance was as follows:

PRESENT:

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

ABSENT:

Bryant Hand – Member  
Gil Autrey ---- Member

The first item on the agenda was approval of the minutes of the meeting held January 9, 2008, 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 minutes of the meeting for January 9, 2008, as mailed.

It was agreed to proceed with item number three on the agenda to allow Mr. George Allen of the Eastpoint Water & Sewer District time to arrive.

The third item on the agenda was consideration of a request for a variance to construct an alternative wastewater treatment system ten feet into the 75 feet setback from mean high water or wetlands of the state on property described as Lot 17, Windjammer Village, St. George Island, Franklin County, Florida. The request is being submitted by William Randall and Lee R. Sewell, Owners.

Mrs. Rachel Ward of the Planning and Building Department explained that in order for the owners of the property to make an addition to the existing dwelling, the septic tank had to be upgraded. The owners are proposing to install a new alternative waste water treatment system which would require a larger drain field. Mrs. Ward explained that the county's point of view was that because there is an existing dwelling, with an existing septic system, there did not appear to be a hardship of the land. Mrs. Ward stated that it appears that the hardship is being created by the home owners by increasing the square footage of the dwelling.

Mr. Larry Taylor, Architect for the project, explained that the dwelling is one of the older homes permitted in the plantation, and as such, is a small 1005 square feet

dwelling. He noted that the homeowners wish to add to the reasonable value of the property by adding additional square footage to the dwelling.

Mr. Taylor also said this type request had been addressed by the Board of Adjustment at least one other time. He cited the Dr. Lee Mullis case which, in his opinion, was very similar. He said he felt a precedent had already been set.

Michael Shuler, Attorney for Franklin County, explained that there was no comparison to the two requests. He explained the Dr. Lee Mullis case was a court ordered litigation settlement. He further explained that Dr. Mullis had to give up building a house on one lot. The present lot has an existing home and septic system, whereas the Mullis project was vacant.

Mr. Bennett Burks, the Civil Engineer who designed the system, gave an overview of how the system works. He said that the alternative wastewater system is superior to the aerobic system in that it is designed to treat the effluent by breaking down the bacteria before it disperses the treated water back into the soil. He said this treated water will be absorbed by the root systems of the surrounding vegetation. He noted the lot is heavily vegetated which will aid the effectiveness of the system.

Mr. Burks explained that there will be virtually no discharge of wastewater from the lot because of the dense growth on the lot; also there will be no additional clearing required. He noted that the treated wastewater would be almost of drinking quality, but not quite.

Mr. Taylor told the members that the lot is like a peninsula which is surrounded by wetlands on three sides. He said he felt this configuration of the lot created the hardship.

Member Richard Harper inquired if a previous variance had to be granted to allow the dwelling to be built on the lot. Ms. Sewell said no variance had been previously granted for the lot.

Michael Shuler asked if the owners had explored the option to place the drain system on the lot next door. Mr. Taylor said this option had been considered. However, this option would significantly diminish the value of the lot next door.

Ms. Sewell stated that a tree survey had been done prior to coming up with a plan. She said the proposed layout of the system would minimize disturbance to the trees.

Mrs. Ward noted that the owners are proposing to increase the square footage of the dwelling from 1112 square feet to 2898 square feet; doubling the size of the structure. She explained that wanting to increase the size of the structure, may not necessarily be viewed as a hardship.

Mr. Shuler explained the Board of County Commissioners, who also acts as the Board of Adjustment, had instructed him that variances would be scrutinized closely. He said he could only echo what Mrs. Ward had expressed and he could not see where a hardship of the land had been demonstrated.

Mr. Bennett said technically, if they considered putting the system on the adjacent lot; it would have to be designed to serve both lots with two dwellings. He said it would be too large to serve a single dwelling. Ms. Sewell said they own the vacant lots on either side of this lot. She stated that she did not wish to build on these two lots, but if she had to locate the system on the adjoining lot, it would have to be large enough for two houses, in the event she ever did want to build on the lot.

Ms. Sewell expressed concern that it did not appear that the county wants residents to improve their property.

Mr. Shuler stated that the county was all for improving the property within the regulatory guidelines. He said that based on the project as proposed, he would recommend denial of this variance request.

Chairman Vance Millender expressed the same sentiments. Member Harper told Ms. Sewell that he thought it was a very good proposal. He said it seemed like they (the owners) were being punished because they own the property on either side.

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After much discussion and on motion by Member Hambrose, seconded by Member Harper, it was agreed to recommend the Board of County Commission deny this request for variance.

Ms. Ward explained that Mr. George Allen had still not arrived at the meeting. She asked the members if they wanted to consider this request in his absence. Chairman Millender said he would rather Mr. Allen be available to answer any questions. On motion by Member Hambrose, seconded by Member Harper, and by unanimous vote of the members present, it was agreed to table this request for the Eastpoint Water and Sewer District until a representative is present.

There being no further business, the meeting adjourned at 9:35 a.m.

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Vance Millender, Chairman

ATTEST:

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Rachel Ward, Zoning Director