

ORIGINAL

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Advisory Board of Adjustment
Franklin County, Florida

The Franklin County Advisory Board of Adjustment met in regular session on Wednesday, March 5, 2014 at 10:00 a.m. in the Hearing Room of the Franklin County Courthouse.

The attendance was as follows:

PRESENT:

Vance Millender ----- Chairman
Larry Hale ----- Member
Gill Autrey ----- Member
Michael Shuler ----- Attorney
Rachel Ward ----- Zoning Director

ABSENT:

Joe Hambrose ----- Member
Mitch Griner ----- Member

The meeting was called to order by Chairman Vance Millender, who thereafter presided.

The First item on the agenda was approval of the minutes of February 5, 2014, as mailed. On motion by Member Larry Hale, seconded by Member Gill Autrey and by unanimous vote of the members present, it was agreed to approve the February 5, 2014 minutes as mailed.

The next item on the agenda was for consideration of a request for a Special Exception to locate a communication tower on a 100' x 100' ft parcel out of a 26.8 acre parcel on property zoned R-6 Rural Residential. This property is described as lying in Section 8, Township 8 South, Range 5 West between Eastpoint and Carrabelle, north of Highway 98. The applicant is also requesting a variance to the 47 ft. height limit to construct a 200 ft. tower. Request submitted by Blackwater Group, Lane Wright, agent for AT&T.

Mrs. Rachel Ward, Zoning Director, explained that the tower location is north of Victoria Village, a residential subdivision off of Highway 98.

Mr. Lane Wright, representing AT&T and the property owner, addressed the Advisory Board of Adjustment Members. He explained that the tower will be only 195' in height and as such, will fall below the FAA standards for lighting. He said that instead

of having a bright red light, there will be two (2) low density red lights. There will be one on top of the tower and one about half way up the tower.

Mrs. Ward read into the minutes a letter from Mr. Steven Arminio objecting to the tower. He noted the bright lights would be disturbing to the pristine view of the area. She also read a letter of support from Ms. Betty Corry.

Mrs. Ward suggested it might be a possible location for emergency equipment.

Mr. Wright explained that with the distance off the road, he did not think the tower would be visible except at night. He said with the low density lighting, it should not be bright enough to stand out, except from a distance.

Chairman Vance Millender inquired about ownership of the tower. Mr. Wright explained that AT&T would find a tower company that would actually construct the tower. AT&T would lease space on the tower. He stated that other carriers would also lease space on the tower. He went on to explain that this tower would close a communications gap. He said this will allow coverage for 911 services as well as private cell phone users in this area which currently do not have cell phone coverage.

Another property owner, who lives in St. Teresa, told the members that she objected to the tower. She said there is a tower in Summer Camp area and it is very visible. She inquired if it could be located further back on the property. Mr. Wright explained that due to wetlands, this was the best site for the tower.

Attorney Michael Shuler made suggestions concerning issuance of the variance and special exception which included the following contingencies

- Must be completed within two years
- Must allow co-locations with other providers
- Donate co-location to Franklin County Sheriff's Department 911 System
- Special Exception Finding of Fact: Granting of the special exception is not adverse to the public interest. Variance Approved: Variance for height is granted and may be assigned. Applicant may assign this approval.

After discussion, Member Gill Autrey made a motion to approve this request with the contingencies set forth by Attorney Michael Shuler. The motion was seconded by Member Larry Hale and carried by unanimous vote of the members present.

The final item on the agenda was for reconsideration of a request for an after-the-fact variance to install a swimming pool 6.5 feet into the rear setback line and 4 feet into the 25 ft setback line off of 11th Street East on property described as 1080 East Gulf Beach Drive, Lot 11, Block J, Unit 2, St. George Island, Franklin County, Florida. The request was submitted by William & Donna Nichols, owners.

Mrs. Ward explained that this request was addressed at last month's meeting for a variance from the rear lot line. It was brought to the attention of the Board of County Commission that the pool was also 4' feet into the side setback. Discussion followed concerning this request for a setback from the side lot line. Mrs. Ward explained that this is a corner lot and typically, variances are issued from one side on corner lots.

Attorney Shuler inquired when the house was built. Mr. Nichols explained that the house was built by Mark Jeppson in 1986. He closed on the house in 1987.

John Grant, attorney for Mr. Eric Myers, adjoining property owner, addressed the members. He told the Board that the pool is built in both setbacks. He said there is a valid reason for this code to exist (referring to the Franklin County Zoning Code). He said the Ordinance says you do not have the right to grant a variance without first finding that the actions are not a result of the owner.

Ms. Angela Myers expressed her concerns. She stated that if it were a 10 acre parcel it would not be so bad. However, because of the lot sizes on St. George Island, if someone builds into the setbacks it feels that they are in your face when you walk out the door. She asked the Board to uphold the rules of the R-1 Zoning requirements pertaining to the setbacks.

Mr. Myers said he had measured Mr. Nichols entire lot and the pool will fit on the opposite side of the house. He said the pool will not fit on the property in its current location.

Mr. Tom Holmes, representing Cox Pools stated that he had been installing pools for about 21 years. He said this is the first time he has had a problem. He apologized for Cox Pool's part in the construction of the pool. He said, if asked to remove the pool, he could design a smaller pool that would fit into the setbacks.

Attorney Michael Shuler reiterated that this is an encroachment into the second setback.

Member Gill Autrey inquired how this was not caught when the permit was issued. Mrs. Ward explained that the site plan submitted with the application showed the pool met the setbacks. Mr. Shuler noted that traditionally, corner lots have been granted variances. However, usually it is for habitable space.

Mrs. Ward stated that the staff's recommendation to approve the variance request still stands.

Mr. Nichols told the Board that the side of the property where Mr. Myers suggested putting the pool is a holding pond so to speak. He said that in heavy rains runoff from the road collects there. He also noted that of eighteen lots in the surrounding area, thirteen have already been permitted for pools.

Mrs. Myers responded that the pools are there but they are not encroaching on others property.

Mrs. Ward reinforced that Mr. Nichols' pool is not encroaching onto her property, only into his own setback.


Mr. Myers stated that Mr. Nichols has recently raised the elevation of his property by adding sand and fill.

Mrs. Ward explained that Mr. Alan Pierce had visited the lot and talked to Mr. Nichols. He said the fill is to create a berm to direct the runoff.

After much discussion and on motion by Member Larry Hale, seconded by Member Gill Autrey, and by unanimous vote of the members present, it was agreed to recommend that the Board of County Commission approve this variance as requested.

Mrs. Ward told the applicants that the requests will be addressed by the Franklin County Board of County Commission at the regular meeting on March 18, 2014 for final approval.

There being no further business the meeting adjourned at 10:42 a.m.



Vance Millender, Chairman

ATTEST:

Rachel L. Ward, Zoning Administrator