

The Franklin County Advisory Board of Adjustment met in regular session on Wednesday, April 1, 2009 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. Attendance was as follows:

PRESENT:

Vance Millender ----- Chairman
Joe Hambrose ----- Member
Gil Autrey ----- Member
Mitch Griner ----- Member
Michael Shuler ----- Attorney

The first item on the agenda was approval of the minutes of March 4, 2009 as mailed. On motion by Member Hambrose, seconded by Member Griner and by unanimous vote it was agreed to approve the March 4, 2009 minutes as mailed.

The second item on the agenda was consideration of a request for a variance to construct a vinyl seawall within the Critical Habitat Zone on property described as Lot 94, Block 10, Unit 1, Southern Dunes, Alligator Point, Franklin County, Florida. The request was submitted by David Keith of Docks 4 Less, LLC, agent for Drew Smith, owner.

There was some concern from adjoining property owner Mr. Ken Piotrowski who said he was speaking for himself as well as the other adjoining neighbor Charles Hurst. He said they were concerned that allowing a vinyl seawall would cause the properties on either side to erode. He also expressed concern that the proposed dock would cause navigational problems in the canal.

David Keith explained that there is a cinder block wall on one side of the property and a wooden wall on the other. He said they were going to tie into the existing walls which should keep the erosion from happening. He said they would not be using a winged construction method. Mrs. Rachel Ward of the Building Department explained that there were existing walls on either side and they had their state permits. She recommended this request be approved.

After brief discussion and on motion by Member Griner, seconded by Member Autrey and by unanimous vote of the members present, it was agreed to recommend the Board of County Commissioners approve the request to build a vinyl seawall.

The third item on the agenda was reconsideration of a request for a variance to construct an open shed five feet into the side setback line on property described as 99 South Bayshore Drive, Eastpoint, Franklin County, Florida. The request was submitted by Mr. A.M. Shuler, Jr., Owner.

Mrs. Ward explained that this variance had been previously issued several years ago. She said Mr. Shuler had started the project, but due to illness had to stop construction and his variance expired.

After brief discussion and on motion by Member Hambrose, seconded by Member Autrey and by unanimous vote of the members present, it was agreed to recommend the County Commissioners approve this request for variance.

The fourth item on the agenda was for consideration to construct a dune walkover ten feet into the side setback line on properties described as 1452 and 1456 East Gulf Beach Drive, St. George Island, Franklin County, Florida. The Request was submitted by Gregory Reardon and Robert Sayle, owners.

Mr. Reardon presented a site plan indicating the placement of the dune walkover. Mrs. Jeanne Burnstein, an adjoining neighbor, introduced herself and inquired about the dune walkover.

Mr. Reardon explained that the dune walkover is needed in order to protect the property and dunes from foot traffic. He said the people from the subdivision on the north side of the street are using the property as an access to the beach. He stated that hopefully with a designated foot path; the visitors will stay off the dunes. He said they were trying to get the walkover built before turtle season.

Mrs. Burnstein inquired, if approved, if she would be able to tie into this dune walkover. Mr. Reardon explained that he can not talk for the other property owners. She would have to receive permission and make application to the county.

Mrs. Rachel Ward noted that the county had received no objections, state permits have been received and she recommended approval of the walkover as presented.

On motion by Member Autrey, seconded by Member Griner and by unanimous vote of the members present, it was agreed to recommend the Commissioners approve this request.

The fifth item on the agenda was consideration for a variance to construct a storage/office building 25' into the front setback line and ten feet into the side setback line on property described as Lot 15, Alligator Harbor, Unit Three, Alligator Point, Franklin County, Florida. The request was submitted by Charles E. Cook, agent for the Alligator Point Water Resources District.

Mrs. Ward explained that the request was to build to the lot lines on the front and side. Mr. Cook presented a site plan indicating the lay out. He said the road is wider in this area and there is approximately 44' from the edge of the pavement to the lot. He said the bottom will be to store equipment out of the weather and the top floor will be an office. He said currently the office is located in a 12' X 20' temporary building. There are no bathroom facilities and they have a portable toilet on the premises.

Mr. Cook stated that the building is being constructed as close to the property line as possible in order to allow room to build another water storage tank. He said this will ensure there is enough water during long holiday weekends.

Mrs. Ward said there have been no objections or comments received concerning this request. On motion by Member Griner, seconded by Member Hambrose and by unanimous vote it was agreed to recommend the County Commission approve this request.

The Sixth item on the agenda was reconsideration of a request for a variance to construct a single family dwelling 50' into the Critical Habitat Zone and an on-site waste water treatment system 57' into the 75' county setback for onsite waste water treatment systems, on property described as Lot 9, Block 35, Unit 4 East, St. George Island, Franklin County, Florida. The request was submitted by Ben Bloodworth, agent for JTB, LLC, owners

Mr. Ben Bloodworth addressed the board and explained that he had researched and found a method which would treat the waste on site. He said it is a composting treatment system which will be installed under the house. He said the system turns the waste into compost which can then be used as fertilizer. Mr. Bloodworth said the method has been approved for use by the State of Florida. Ben stated that he needs a variance to deal with the grey water which is not handled by the composting system.

Mrs. Ward noted that although the system would be located under the dwelling, it would still be in the 75' setback. To which, Mr. Bloodworth said the waste will be incinerated and does not enter the ground.

Much discussion followed concerning this request. Mr. Dan Tonsmier of the River Keepers addressed the board and said that while he has no objection to the method of treatment, he does feel the setback needs to be maintained as much as possible.

Member Autrey said that he was sympathetic to Mr. Bloodworth because there was an existing septic tank permit issued for the lot. Member Autrey made a motion to approve the variance request. The motion died for lack of a second.

Ms. Susan Stanton addressed the board members voicing an objection. She said she was representing Mr. John Scully who could not be there. She added that Mr. Scully had written a letter of objection which Mrs. Ward read into the minutes. Mrs. Ward also read a letter of objection from Mr. John Mittelstaedt who was unable to attend the meeting.

County Attorney Michael Shuler stated that Ordinance 89-8 clearly outlines the 75' setback for septic systems or on site systems to treat grey water.

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Mr. Andres Aldrete who lives at 709 East Pine, about 250 yards from Mr. Bloodworth's lot, spoke against the variance request. He said he is very familiar with the lot and most of the lot is wetlands.

Member Griner asked Mr. Shuler about where the county stands with this issue? Again, Mr. Shuler explained in depth that Ordinance 89-8 was adopted by the Board of County Commissioners to protect shorelines and wetlands, as well as the Apalachicola Bay.

Mrs. Ward informed the members that while other variances have been issued into the Critical Habitat Zone; historically the county has not issued variances to locate septic systems in the Critical Habitat Zone.

After much discussion and on motion by Member Hambrose, seconded by Member Griner with majority vote, it was agreed to recommend the County Commissioners deny this variance request. The vote was as follows:

YEA
Joe Hambrose
Mitch Griner
Vance Millener

NAY
Gil Autrey

The final item on the agenda was for reconsideration of a request for a variance to construct a deck 15' into the Critical Habitat Zone on property described as Lot 94, Block 10, Unit 1, Southern Dunes, Alligator Point, Franklin County, Florida. The request was submitted by Daniel Cox, agent for David and Janet Foshee, owners.

Mr. Daniel Cox presented his request. He said he was asking for the variance to build the deck based on his assumption that the deck was in conformance with the Critical Shoreline Ordinance. He said the wetlands or special conditions presented the hardship and it was no fault of the owners. He went on to say he did not believe this variance would affect any other homes within the same R-1 Zoning District. He said if

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there were no wetlands, the owners would have been allowed to build within 10' of the setback. He reiterated that he felt the variance request was in harmony with the intent of the Critical Shoreline Ordinance. He stated the intent of the ordinance was in tact and requested the variance be approved.

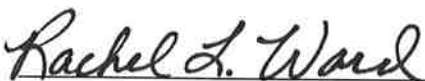
Mrs. Rachel Ward read into the minutes a brief history of the lot. Noting that after the first request for a variance, it was requested to table the request till later. Then it had been presented to the Planning and Zoning (P & Z) Commission to determine if the deck was a water dependent structure. P&Z had sent the request back to the BOA to request a variance. Mrs. Ward said it is the county's recommendation the request be denied based on the fact that a variance had already been granted to allow the house to be built with the maximum 1,000 square foot print as allowed by the ordinance. She also stated that she was concerned that it would set a precedence for other homes to do the same.

After discussion and on motion by Member Hambrose, seconded by member Autrey and by unanimous vote, it was agreed to recommend this variance request be denied.

There being no further business, the meeting adjourned at 10:20 a.m.


Vance Millender, Chairman

ATTEST:


Rachel L. Ward, Zoning Administrator