

The Franklin County Advisory Board of Adjustment met in regular session on ~~Wednesday, November 1, 2017~~ ^{February 7, 2018} at 10:00 a.m. in the Franklin County Courthouse Annex. The meeting was called to order by Chairman Vance Millender, who thereafter presided.

Attendance was as follows:

<u>PRESENT:</u>	Vance Millender, Chairman	<u>ABSENT:</u>	Gil Autrey, Member
	Mitch Griner, Member		Larry Hale, Member
	Joe Hambrose, Member		Michael Shuler, County Attorney

1. **The first item on the agenda was approval of the minutes of Wednesday, November 1, 2017, as mailed.**

On motion by Member Mitch Griner, seconded by Member Joe Hambrose, and by unanimous vote of the members present, it was agreed to approve the minutes of November 1, 2017, as mailed.

2. **Consideration of a request to construct a vinyl retaining wall 6 feet into the east and west side property lines on Lot 35, Peninsular Point, Unit 7, 1037 Gulf Shore Boulevard, Alligator Point, Franklin County, Florida. Request submitted by Dale Crowson, agent for Alfredo Menendez, applicant.**

Amy Kelly confirmed the retaining wall request is for 6 feet into 10 feet setback on both sides. There will be about 80 cubic yards of fill behind seawall at 1037 Gulf Shore Blvd, contingent upon state permits. Member Joe Hambrose inquired if there were any complaints from neighbors? Amy Kelly stated no complaints were submitted in writing. Member Mitch Griner inquired how close to the house this project will be? Ms. Kelly replied roughly 8 feet from the house. Ms. Kelly added that it was the Staff's recommendation to approve in order to stabilize the house. On Motion by Joe Hambrose, seconded by Member Mitch Griner, and by unanimous vote of the board present, it was agreed to recommend Item 2 to the Board of County Commissioner for approval.

3. **Consideration of a request to construct a retaining wall 25 feet into the front setback located on Lot 42 Sea Palm Village, 1432 Dogwood Drive, St. George Island, Franklin County, Florida. Request submitted by Elliott Fann, agent for Dean Haldopoulos, applicant.**

Amy Kelly started off by confirming 2 letters were received. Margaret Maggio expressed concerns of the size of the home and the construction aspects of the wall and the necessity. They request:

1. Allowing a retroactive variance, with impunity, could potentially set up a situation wherein this Owner and Contractor will build at will.

2. A root cause analysis be performed so this Owner and Builder, as well as others, will not be allowed to proceed without proper permits and variances in place.
3. A full review of the Site Plan be performed, within the context of the full plans of the home, so the grade is not raised above street level.
4. No further variances be issued to the owner/builder of this project.
5. The Ordinances/Rules/Regs/Statutes involving licensing of contractors be enforced for this property specifically and, then, in general.

Christine McNulty also sent a letter of opposition. She states she is concerned over time erosion will erode the dune structure and her property will be damaged by water runoff since 1432 Dogwood is now higher than her property. The construction of the wall, along with the input of a significant amount of fill has completely altered the nature of the lot and is detrimental to her property. Ms. McNulty requests the dune be refurbished to the extent possible to recreate the natural runoff. She is also concerned the approval of the plan presented will set a negative precedent for future projects. Nobody should be allowed to significantly alter the natural topography of their lot to the detriment of neighbors.

Amy Kelly continued by stating fill will be addressed at construction site. No more fill is to be added. There is also a proposed drainage system in the plans for water to drain straight to south so it can maintain its own drainage. Water runoff will be maintained at their property. The retaining wall has already been placed. The Contractor believed it was part of the site prep permit. He did get a retaining wall permit and now is seeking an after the fact variance. The plantation approved the sheet wall because it is less invasive than a retaining wall. The Contractor, Mr. Elliott Fann, stated the plan was done by a professional. Although the retaining wall is not complete, wood will be attached to make it look more natural. The lot is not buildable unless the dune is altered. Retaining walls are allowed in setbacks and they did not impact dune more than necessary. Member, Mitch Griner, asked if the Site Plan does not call for wall? Amy Kelly responded when the permit was issued by the Building Official, a Site Plan was not a part of that process. Days later when we received the full application package of the house, the Site Plan did include the retaining wall. Mr. Fann's Contractors were requested to stop until we could get the details straightened out. County Planner, Mark Curenton and Ms. Kelly both agreed it would need a variance. The County did issue a permit recently for a retaining wall, however, it met the 10 feet setback. It did not go into the easement so did not require a variance. Member Mitch Griner inquired for clarification, if the applicant is seeking a variance for something that is already built and if it was on the Site Plan and approved for that? Ms. Kelly confirmed the retaining wall was on the Site Plan that was submitted two days after his permit was issued, with his house plans, showing it was 25 feet into the setback. Mr. Fann stated he had a Site Plan for quite some time that was submitted that did include the retaining wall. The only thing different was the type of material. He picked them up because he had some changes and upon dropping them back off, Amy brought it to his attention it would need to be approved. Ms. Kelly stated the plans had been in our office for a year, however, it was not a full package and we needed a lot more information. We do not review incomplete packages and we now have a policy to return it

to the contractor until is complete before accepting. It goes into a cabinet. Nothing was ever discussed when it was dropped off.

Matthew Lukens came forward to ask the Board to deny the variance. He has concerns the proposed house is on 100% of the allowable space on the lot and all angles will be in the side easements. He is also concerned the home will exceed the height limit of 47 feet from the natural grade, prior to fill. He recommends turning the house 90 degrees and build back the dune or to build a smaller house than the one being proposed. Chairman, Mr. Vance Millender states we are only here for the seawall. The future building will come later. Member Mitch Griner brought it to attention that it has been the history of The Board of Adjustments to not grant multiple variances to one property.

Christine McNulty came forth to elaborate on her letter of opposition. She expressed she shares the dune and would like to see the dune refurbished. She is not suggesting removing the wall, as it would cause more damage. She requests to build around the dune in the setbacks. Mr. Millender agrees with Christy that sending equipment back in will damage the dune more. The main goal is to protect the natural beaches and keep it like it is as much as we can. He would like to see something done to leave the seawall and to satisfy both parties. Ms. McNulty states to build a dune on the other side of wall and top it off with what was taken out, scrub oaks and foliage. She does not want to cause more damage than what has already been done, although she is very concerned about her property. She confirmed for Member Mr. Griner that the crest of the dune is between the two properties. Ms. Kelly stated the dune is split between the properties and about 25% was taken on the eastern side. Mr. Griner suggested a motion to table until the County's Legal Counselor is present.

On Motion by Member Mitch Griner, seconded by Member Joe Hambrose, and by unanimous vote for the board present, it was agreed to recommend Item #3 be tabled.

There being no further business to discuss, it was agreed to adjourn at 10:40 a.m.


Vance Millender, Chairman

ATTEST:


Amy M. Kelly, Zoning Administrator