

AGENDA
KEY COLONY BEACH CITY COMMISSION
PUBLIC VARIANCE HEARING

Thursday, August 25, 2022 - at 9:30 a.m.
Temporary City Hall & Virtually via Zoom Conferencing
Zoom Meeting ID: 879 9894 7413 - Passcode: 0965918

- 1. Call to Order/Pledge of Allegiance/Roll Call**
- 2. Approval of Minutes – City Commission Public Hearing Minutes – July 14, 2022 – Pgs. 1-2**
- 3. Administration of Oath to Witnesses**
- 4. Citizen Comments and Correspondence**
- 5. Disclosure of Ex-Parte Communication – Pg. 3**
- 6. Proof of Publications**
 - a) Affidavit of Mailing to Property Owners w/300 feet. – Pgs. 4-5**
 - b) Affidavit of Posting of Public Notice - Pgs. 6-7**
 - c) Legal Proof of Publication. – Pg. 8**
- 7. VARIANCE REQUEST: 551 8th Street - Owner: Charles Wiemer**

Applicant requests a Variance to Land Development Regulations Chapter 101, Section 91, Code of Ordinances Chapter 6, Section 1, setback by 5 feet. Current setback requirements are 10 feet.

 - a. Presentation of Variance Request – Building Department - Pgs. 9-17**
 - b. Statement by Applicant**
 - c. Planning & Zoning Board Recommendation – Chair Joey Raspe – Pg. 18**
 - d. Planning & Zoning Meeting Minutes 07-20-2022 – Pgs. 19-22**
- 8. Any Other Business**
- 9. Adjourn**

Members of the public may speak for three minutes and may only speak once unless waived by a majority vote of the commission.”

Letters submitted to the city clerk to be read at the Commission Meeting will be made part of the record but not read into record. Persons who need accommodations in order to attend or participate in this meeting should contact the city clerk at 305-289-1212 at least 48 hours prior to this meeting in order to request such assistance. If a person decides to appeal any decision made with respect to any matter considered at any meeting, that person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

MINUTES

KEY COLONY BEACH CITY COMMISSION PUBLIC HEARING

**Thursday, July 14, 2022 – 9:30 a.m.
City Hall Auditorium & virtually via Zoom Conferencing**

1. Call to Order, Pledge of Allegiance, Prayer, Roll Call: *The Public Hearing of the City of Key Colony Beach was called to order by Mayor Trefry at 9:30 a.m. followed by the Pledge of Allegiance, Prayer, and Roll Call.*

Present: *Mayor Trefry, Vice-Mayor Harding, Commissioner DeNeale, Commissioner Sutton, Commissioner Ramsay-Vickrey.*

Also Present: *City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Dirk Smits, Public Works Department Head Mike Guarino, Building Official Gerard Roussin, Building Inspector Gerald Leggett, Interim Fire Chief Steven Hudson, Chief Kris DiGiovanni, Police Officer John Buckwalter, Corporal Jamie Buxton, Administrative Assistant Christine McLeod.*

Public: *3 Marble Hall, 20 Virtual*

2. Approval of Minutes: *The City Commission Public Hearing Minutes from June 23, 2022, were accepted as written.*

3. Administration of Oath to Witnesses: *City Clerk Silvia Gransee administered the Oath of Witness to all planning on testifying.*

4. Citizen Comments and Correspondence - None

5. Disclosure of Ex-Parte Communication – None.

6. Proof of Publications: *Proof of publications were accepted as legally sufficient.*

7. VARIANCE REQUEST: 500 12th Street - Owners: John & Jan Scholes

Applicant requests a Variance to Land Development Regulations Article III, Section 101-10 (8) height variance of 4'4. Current maximum height is 30'0".

Mayor Trefry read the variance request to the City Commission.

a. Presentation of Variance Request: *Building Official Roussin presented the variance request to the Commission and stated that this is a request that has been standard over the last year as the City has been working on the height changes throughout the city. Building Official Roussin explained the variance that was requested by the owners and stated that the owners are trying to bring the building to proper height with the expected flood changes coming in. The City Commission had no further comments for Building Official Roussin.*

b. Statement by Applicant: *The applicant was not in attendance.*

c. Planning & Zoning Board Recommendation: *Planning & Zoning Board Chair Joey Raspe stated to the City Commission that the Planning & Zoning Board approved the variance request unanimously and that the request falls well within previously granted variances. The City Commission had no further comments for Chair Raspe.*

d. Planning & Zoning Board Meeting Minutes - May 18, 2022

MOTION: *Motion made by Commissioner Sutton, seconded by Vice-Mayor Harding, to approve the Variance Request for 500 12h Street – Owners: John & Jan Scholes.*

DISCUSSION: *None.*

ON THE MOTION: *Roll call vote. Unanimous approval.*

8. Any Other Business – None.

9. Adjourn: *The meeting adjourned at 9:34 a.m.*

*Respectfully Submitted,
Sílvia Gransee
City Clerk*

EX-PARTE COMMUNICATIONS

An ex-parte communication is defined as:

any contact, conversation, communication, writing, correspondence, memorandum or any other verbal or written communication that takes place outside a public hearing between a member of the public and a member of a quasi-judicial board, regarding matters which are to be heard and decided by said quasi-judicial board.

Site visits and expert opinions are also considered ex-parte communications.

In the event that someone contacts a Board Member about a quasi-judicial matter outside of a public meeting, at such time that particular issue is brought before the Board, the Board Member should state on the record:

the existence of any ex-parte communication,
the nature of the communication,
the party who originated the ex-parte communication, and
whether or not the ex-parte communication affects your ability to impartially consider the evidence presented.

Similarly, any correspondence received by a Board Member must be forwarded to the Board Clerk.

Note: The term "Board Member" would include all members of the Code Enforcement Board, the Planning & Zoning Committee, and the City Commission when they are acting in a quasi-judicial capacity (for example, but not limited to, code violation hearings and variance hearings).

AFFIDAVIT OF MAILING

STATE OF FLORIDA
COUNTY OF MONROE

Before me, the undersigned authority, personally appeared Silvia Gransee, who, having been first duly sworn according to law, deposes and says:

1. I am City Clerk for the City of Key Colony Beach.
2. I hereby confirm that on the 9th day of August, 2022 (no less than 10 days prior to the City Commission Public Hearing on August 25, 2022) I mailed the Notice of Hearing by first class U.S. mail to the address on file with the Monroe County Property Appraiser's Office for all property owners within 300 feet of the property at 551 8th Street.

Silvia Gransee
Signature

Sworn and subscribed before me this
9th day of August, 2022.

Christine Marie McLeod
Notary Public, State of Florida
My commission expires: 6/5/2026

Personally known

Produced _____ as identification



City of Key Colony Beach

PO Box 510141 Key Colony Beach, Florida • Phone # 305-289-1212 • Fax# 305-289-1767



To: Property Owners within 300 feet of 551 8th Street
From: Key Colony Beach City Commission
Subject: Variance Request

CITY OF KEY COLONY BEACH NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Commission of the City of Key Colony Beach, Florida, will hold a **Public Hearing on Thursday, August 25, 2022, at 9:30 A.M.**, at **Temporary City Hall, 600 W. Ocean Drive, Key Colony Beach, Florida 33051**, to hear a Variance Request from Charles Wiemer, Owner of the property located at 551 8th Street.

Applicant requests a Variance to Land Development Regulations Chapter 101, Section 91, Code of Ordinances Chapter 6, Section 1, setback by 5 feet. Current setback requirements are 10 feet.

Interested parties may attend the Hearing and be heard with respect to the requested variance.

If any person decides to appeal any decision made by the Key Colony Beach City Commission with respect to any matter considered at the Variance Hearing, that person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you are unable to attend the Hearing on **Thursday, August 25, 2022**, but wish to comment, please direct correspondence to P.O. Box 510141, Key Colony Beach, FL 33051, or cityclerk@keycolonybeach.net and your comments will be entered into the record.

Mailed: On or Before August 15, 2022

City of Key Colony Beach

AFFIDAVIT OF POSTING

**STATE OF FLORIDA
COUNTY OF MONROE**

Before me, the undersigned authority, personally appeared Silvia Gransee, who, having been first duly sworn according to law, deposes and says:

1. I am the City Clerk for the City of Key Colony Beach.
2. I hereby confirm that on the 9th day of August, 2022 (no less than 10 days prior to the City Commission Public Hearing on August 25th, 2022) I posted the Notice of Hearing for the Property at 551 8th Street at the local United States Postal Service and City Hall.

Further affiant saith not.

Silvia Gransee
Signature

Sworn and subscribed before me this
9th day of August, 2022.

Christine Marie McLeod
Notary Public, State of Florida
My commission expires: 6/5/2026

Personally known

Produced _____ as identification



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Posted: On or Before August 15, 2022

City of Key Colony Beach



Published Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

**STATE OF FLORIDA
COUNTY OF MONROE**

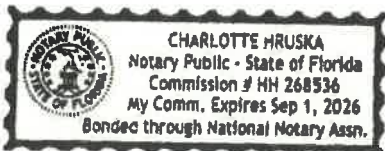
Before the undersigned authority personally appeared JASON KOLER who on oath, says that he is PUBLISHER of the WEEKLY NEWSPAPERS, a weekly newspaper published in Marathon, in Monroe County, Florida: that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of publication)

August 11, 2022

Affiant further says that the said WEEKLY NEWSPAPERS is a newspaper published at Marathon, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, once each week (on Thursday) and has been qualified as a second class mail matter at the post office in Marathon, in Monroe County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement. The affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s) and that The Weekly Newspapers is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.

Sworn to and subscribed before me this 11 day of Aug, 2022.
(SEAL)

Charlotte Hruska
Notary



CITY OF KEY COLONY BEACH
NOTICE OF PUBLIC HEARING
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If any person decides to appeal any decision made by the Key Colony Beach City Commission with respect to any matter considered at the Variance Hearing, that person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
If you are unable to attend the Hearing on Thursday, August 25, 2022, but wish to comment, please direct correspondence to P.O. Box 510141, Key Colony Beach, FL 33051, or cityclerk@keycolonybeach.net and your comments will be entered into the record.
City of Key Colony Beach
Publish:
August 11, 2022
The Weekly Newspapers



CITY OF KEY COLONY BEACH
P.O. BOX 510141
KEY COLONY BEACH, FL 33051-0141
305-289-1212 FAX: 305-289-1767

APPLICATION FOR VARIANCE

APPLICANT: CHARLES WIEMER 609-226-9818
Property Owner Name Phone Number

551 8TH ST, KCB 23 9 North Side
Street Address of Variance Lot Block Subdivision

20 POINT DR, SOMERS POINT, NJ 08244
Mailing Address of Property Owner

Owners may have an agent complete this application and represent them at the hearings. In this case, owners must attach to this application a written, signed statement stating the name of the individual or business that may represent them in this matter.

Agent Name _____ Agent Phone Number _____

VARIANCE REQUESTED to: Land Development Regulations Chapter 101, Section 91
Code of Ordinances Chapter 6, Section 1

DESCRIPTION OF VARIANCE: Please describe the variance request in regard to type of structure, location on lot, distance from side, rear or front lot lines, or details of the variance, including the current rule in effect and the reason for the variance (for example, building would encroach into the setback by _____ feet). Also state if this is for future construction or existing conditions.

PLEASE SEE ATTACHED

Please attach the following to this application:

- A sketch or site plan of the property showing the variance requested.
- Written responses to the five criteria (questions attached).
- Fee of \$700.00

Signature of Applicant [Signature]

Office Use Only

Date Filed 5-27-2022

Date Paid _____ Check # _____

Variance granted / denied on (date) _____

Signature of City Official _____

Applicant Questions and Responses-

Summarizing Land Development Code 101-171 (5)(a): Variances shall be approved only if the applicant can demonstrate a good and sufficient cause, that denial would result in unnecessary hardship, it will not be contrary to the public interest, that special conditions exist, and that it will not confer any special privilege on the applicant. Please see the attached pages for the entire city codes relating to Variances.

To assist the Planning & Zoning Committee and City Commission in evaluating this variance request, please answer the following questions:

1. What is the "good and sufficient cause" that explains why this variance should be granted?

PLEASE SEE ATTACHED

2. What are the unnecessary hardships that would result if the variance is not granted?

PLEASE SEE ATTACHED

3. If this variance is granted, would there be any increase to public expense that would not otherwise occur? Would it create a threat to public health and safety? Would it create a nuisance? Or cause fraud or victimization of the public?

PLEASE SEE ATTACHED

4. What are the unique or peculiar physical/geographical circumstances or conditions that apply to this property, but do not apply to other properties in the same zoning district?

PLEASE SEE ATTACHED

5. If the variance is granted, would it confer upon the applicant any special privilege that is denied to other properties in the immediate neighborhood in terms of the established development pattern?

PLEASE SEE ATTACHED

Office Use Only

Comments and Recommendation of the Building Official

Applicant Questions and Responses-
LAND DEVELOPMENT REGULATIONS - Section 101-171. Variances.

(1) Initiation. Any owner, agent, lessee or occupant of land or a structure may apply in writing to the city clerk for a variance, on that land, from the requirements of this chapter, except that no request for a use variance will be considered. Details must be included with the request and be filed with the city clerk together with the established fee for a variance. If the applicant is other than the owner of the property, the written consent of the owner for the variance requested must be submitted with the application. When the petitioner is a public agency, the city commission may authorize the waiver or reduction of the fee.

(2) Planning and zoning committee procedure.

- (a) Upon receipt of a written request, the city clerk will deliver the request to the planning and zoning committee.
- (b) The planning and zoning committee shall make an investigation of the conditions pertaining to the requested variance in advance of the public hearing by the city commission. This investigation shall be at a duly noticed meeting. Mailing of notice of the meeting shall be made by the city to all property owners within three hundred (300) feet of the boundaries of the property which is the subject of the variance request.
- (c) The planning and zoning committee, shall make their recommendation to the city commission in writing, based upon the standards in (5) below. They may recommend approval or disapproval of the variance or may recommend approval of the same subject to such specified conditions as it may deem to be necessary or advisable in furtherance of the provisions of this chapter. Reasons for the recommendation shall be stated.

(3) City commission procedure.

- (a) After receipt of the planning and zoning committee report, the city commission shall give notice in a newspaper stating the date, time and place of a city commission public hearing as provided for in section 101-173.
- (b) After their public hearing the city commission may approve or disapprove the requested variance or may approve the same subject to specified conditions as it may deem to be necessary or advisable in furtherance of the provisions of the zoning ordinance. If the applicant desires to present evidence not presented to the planning and zoning committee, the matter shall be returned to the planning and zoning committee for further deliberation and recommendation unless the city commission finds by majority vote that the new evidence is insignificant or unsubstantial.
- (c) The commission shall state reasons for their decision, based on the standards detailed in (5) below.
- (d) The decision of the city commission shall be final. No new request for similar action concerning the same property may be made to the city commission or planning and zoning committee for a period of not less than six (6) months after the date of said decision by the city commission.

(4) Effective period.

A building permit application must be submitted within twelve (12) months of variance approval otherwise the approval expires. Any extension of up to twelve (12) months may be granted by the city commission for good cause.

Applicant Questions and Responses-

(5) Standards for granting variances.

(a) Specific criteria:

- (1) The applicant shall demonstrate a showing of good and sufficient cause;**
- (2) Failure to grant the variance would result in unnecessary hardship to the applicant;**
- (3) Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance, or cause fraud or victimization of the public;**
- (4) Property has unique or peculiar circumstances, which apply to this property, but which do not apply to other properties in the same zoning district;**
- (5) Granting the variance will not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of established development patterns.**

(b) Recommendations to the city commission.

- (1) If all 5 specific criteria are met, then the planning & zoning committee shall recommend approval to the city commission. Approval by the city commission would be by majority vote of the city commission.
If the planning & zoning committee finds the five (5) specific criteria are not met, they shall recommend disapproval of the variance unless they specifically find that the granting of the variance will have minimal adverse effect on other citizens of the city or on the city. Approval of a variance where all five (5) specific criteria are not met shall require a favorable vote of four-fifths (4/5) of the city commission.**
- (2) Conditions: The planning and zoning committee may recommend, and the city commission may prescribe, appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.**
- (3) Use Variance: Under no circumstances shall the city commission grant a variance to permit a use not generally permitted in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.**

DESCRIPTION OF VARIANCE: Please describe the variance request in regard to type of structure, location on lot, distance from side, rear or front lot lines, or details of the variance, including the current rule in effect and the reason for the variance (for example, building would encroach into the setback by _____ feet). Also state if this is for future construction or existing conditions.

The variance I am requesting is for my current property located at 551 8th Street, Lot 23, Block 9, North Side. The property is half of a side-by-side duplex, For details of the property please reference Attachment A, "Boundary Survey", July 20, 2020. I am in the process of trying to install a swimming pool, reference Attachment C "Boundary Survey With Pool. Due to the existing location of the house on the property and other setbacks and restrictions in place I am having difficulty finding sufficient square footage to make the construction of the pool feasible and cost effective. Gaining the additional square footage will require the pool to encroach into the 10 foot setback from the property line separating my unit (North Side) and the adjoining unit (South Side), please reference Attachment B. I am requesting relief from the existing 10 foot setback, between the two units, to 5 feet. I am not requesting relief from any other setbacks or restrictions. This request is for future construction.

Applicant Questions and Responses

1. What is the “good and sufficient cause” that explains why this variance should be granted?

We are trying to install a swimming pool. Due to the existing location of the house on the property, reference Attachment A, and current setbacks and restrictions in place I am having difficulty finding sufficient square footage to make the construction of the pool feasible and cost effective.

2. What are the unnecessary hardships that would result if the variance is not granted?

The cost vs. pool size and shape will most likely prohibit installation of the swimming pool.

3. If the variance is granted, would there be any increase to public expense that would not otherwise occur? Would it create a threat to public health and safety? Would it create a nuisance? Or cause fraud or victimization of the public?

If the variance is granted there will be no increase to public expense that would not otherwise occur. It will not increase a threat to public health and safety. It will not create a nuisance or cause fraud or victimization of the public.

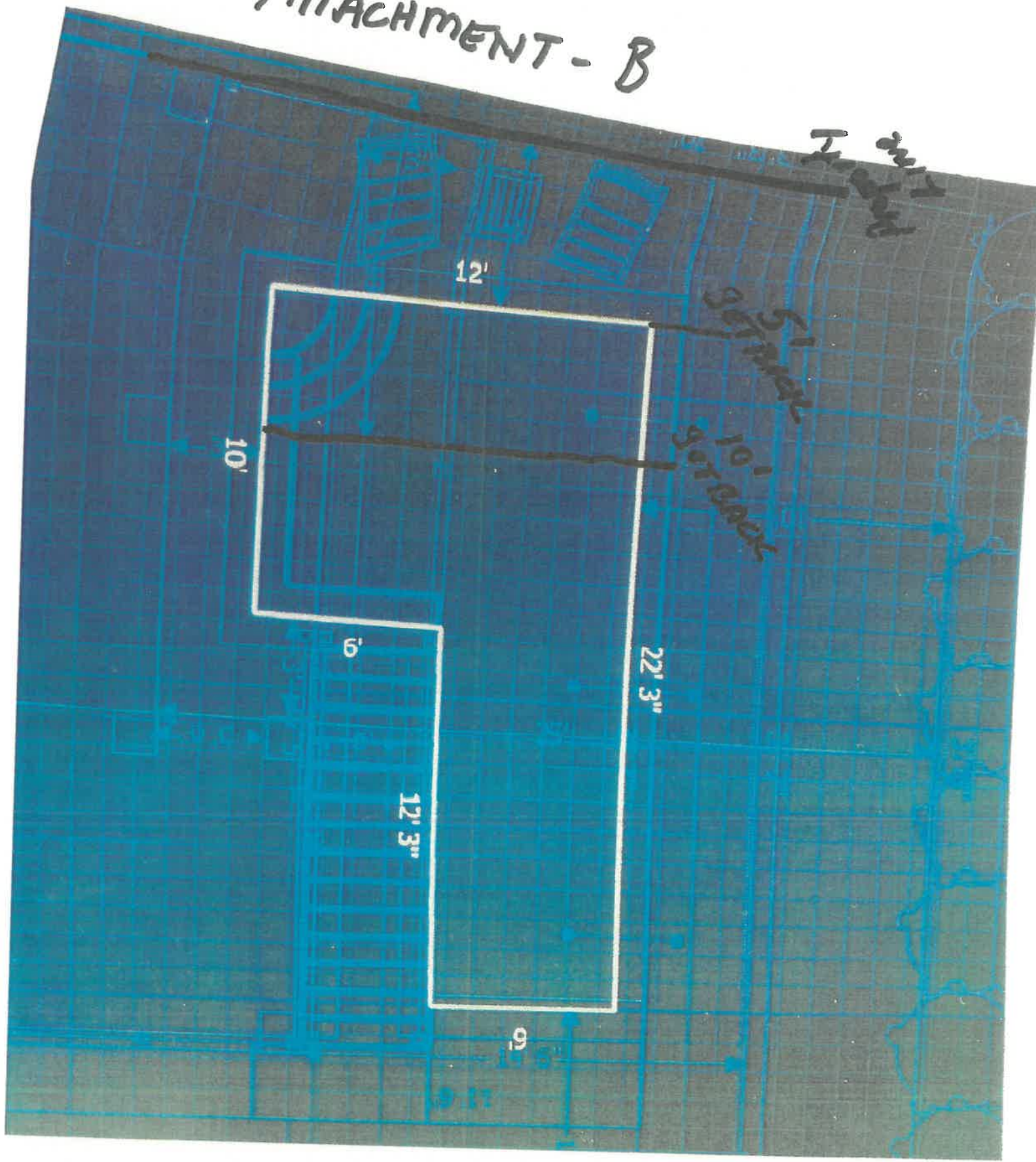
4. What are the unique or peculiar physical/geographical circumstances or conditions that apply to this property, but do not apply to other properties in the same zoning district?

It is a side-by-side duplex. The property line separating the adjoining units provides no relief for the for the current 10 foot setback. For example, the property to the north (Lot 24 Block 9) has 7.5 feet of existing yard separating my house from the property line making it much easier to achieve the 10 foot setback on that side.

5. If the variance is granted, would it confer upon the applicant any special privilege that is denied to other properties in the immediate neighborhood in terms of the established development pattern?

There will be no special privilege conferred that is denied to other properties in the immediate neighborhood. I have spoken with the owner the adjoining unit 541 8th Street and he is in agreement with my application for this variance.

44. ATTACHMENT - B



City of Key Colony Beach

P.O. Box 510141, Key Colony Beach, FL 33051-0141 • Phone: 305-289-1212
Fax: 305-289-0247
www.keycolonybeach.net



July 20, 2022

To: The City of Key Colony Beach Board of Commissioners

From: The Key Colony Beach Planning & Zoning Board

Re: 551 8th Street – Owner: Charles Wiemer

The Planning & Zoning Board heard the applicant's request for Variance to Land Development Regulations Chapter 101, Section 26, Code of Ordinances Chapter 6, Section 1, setback by 5 feet. Current setback requirements are 10 feet.

Post Hearing Questions Results:

- | | |
|--------------------------------|--|
| 1) Chairperson Joey Raspe | No - on all 5 (five) Post Hearing Questions |
| 2) Vice-Chair George Lancaster | Yes - on all 5 (five) Post Hearing Questions |
| 3) Board Member Mike Yunker | **excused** |
| 4) Board Member Lin Walsh | Yes - on all 5 (five) Post Hearing Questions |
| 5) Board Member Tom DiFransico | Yes - on all 5 (five) Post Hearing Questions |

MOTION: Motion made by George Lancaster, seconded by Tom DiFransico, to approve the granting of the requested variance for 551 8th Street.

ON THE MOTION: Roll Call vote. Lin Walsh – yes, Tom DiFransico – yes, George Lancaster – yes, Chair Joey Raspe – no. Motion passed 3-1.

Final Recommendation: The Planning & Zoning Board recommends to the City of Key Colony Beach Board of Commissioners for the requested variance for the property at 551 8th Street to be granted.


Joey Raspe, Chairperson

MINUTES
PLANNING & ZONING BOARD
REGULAR MEETING AND PUBLIC HEARING

Wednesday, July 20, 2022 - 9:30 a.m.
Marble Hall & Virtually via Zoom Conferencing

1. Call to Order/Pledge of Allegiance/Roll Call: Chairperson Joey Raspe called the meeting to order at 9:30 a.m. in the morning followed by the Pledge of Allegiance and Roll Call.

Present: Chair Joey Raspe, Vice-Chair George Lancaster, Tom DiFransico, Lin Walsh. **Excused:** Mike Yunker. **Also Present:** City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Ryan Benninger, Building Official Gerard Roussin, Building Inspector Gerald Leggett.

Public Attending: 2 Marble Hall

2. Approval of Minutes: Planning & Zoning Board Meeting Minutes – May 18, 2022

MOTION: Motion made by George Lancaster, seconded by Joey Raspe, to approve the minutes from the May 18th, 2022, Planning & Zoning Meeting.

DISCUSSION: None.

ON THE MOTION: Roll call vote. Unanimous approval.

3. Administration of Oath to Witnesses: City Clerk Silvia Gransee administered the Oath of Witness to all persons testifying.

4. Citizen Comments and Correspondence – None.

5. Disclosure of Ex-Parte Communication – None.

6. Proof of Publications: All affidavits and legal notices were accepted as sufficient.

7. VARIANCE REQUEST: 551 8th Street - Owner: Charles Wiemer

Applicant requests a Variance to Land Development Regulations Chapter 101, Section 91, Code of Ordinances Chapter 6, Section 1, setback by 5 feet. Current setback requirements are 10 feet.

City Attorney Ryan Benninger requested that the record reflects that the correct Land Development Regulations Chapter is noted as Chapter 101-26.

a. Building Inspector Lenny Leggett reported on the received variance application and stated that the Building Department supports the approval of the requested variance.

b. Chair Joey Raspe read the applicant's variance application and 'Questions and Responses' section submitted by Mr. Wiemer.

c. Mr. Wiemer stated his reasonings for the variance application and explained the main reason for the requested variance is the square footage to make the pool fit. Mr. Wiemer further explained that the building is a side-by-side duplex with no yard space between his unit and the neighbors. Mr. Wiemer informed the Board that the neighbor

has no issues with the requested variance.

Chair Joey Raspe stated that the Board is very familiar with the side-by-side duplexes in Key Colony Beach and has seen many swimming pools being granted without a variance being requested. Chair Joey Raspe stated that the size of a swimming pool that can be put in a backyard currently without a variance is 17.5 feet wide by 12 feet deep. Chair Joey Raspe continued saying that this is a good-sized pool and would put the applicant within the 10 feet setback that the city requires. Chair Joey Raspe asked the applicant on why a bigger pool is needed. Mr. Wiemer explained that he does not need a pool bigger than that and that he would not come close to a pool that size. Mr. Wiemer continued saying that due to the design of the house it sits very far back towards the high-tide line and there is not a lot of property available. Chair Joey Raspe asked Mr. Wiemer on why the pool has to be 22.3 feet by 12 feet and if he would take of 5 feet from the pool he would not have to apply for variance. Mr. Wiemer explained the dimensions of the pool and further said that the total square footage would not be that large. Chair Joey Raspe referred to Attachment B that Mr. Wiemer submitted with his variance application. Tom DiFransico referred to Attachment C of the variance application packet and stated that it looks like the stairs would be interfering with the pool design. The Board further discussed possible modifications on the pool design in order to avoid a variance. Mr. Wiemer explained that the suggested modification in the pool design would not be beneficial to him and that the pool would not be big enough. Chair Joey Raspe and Mr. Wiemer continued talking about different modifications and referred to the submitted attachment. The Board and Mr. Wiemer further discussed the dimensions of the proposed pool. Chair Joey Raspe explained to Mr. Wiemer that the city must look at the bigger picture of the neighbor not having a problem with the pool, however, the variance goes with the property, and future owners might find it a nuisance having a pool so close to there property line. Lin Walsh asked if there was a fence separating the properties which Mr. Wiemer confirmed will be there in the future. Chair Joey Raspe stated that he believes that the size of the pool Mr. Wiemer is requesting is too big for the lot and there are many other pool configurations that can could be considered. Mr. Wiemer stated that he understands Chair Raspe's position but he would like to have a pool big enough for his personal use. Lin Walsh asked Chair Joey Raspe if there are other pools comparable to the applicant's request which Chair Raspe stated are not on that size lot. Mr. Wiemer explained to the Board that he would be happy to have a smaller pool but that he is not able to have a pool wider than 6 feet in his backyard. Chair Joey Raspe asked the Building Department if the steps could be relocated to the side of the unit. Mr. Wiemer stated that the steps are poured concrete and are the entrance to the house. The Building Department stated that they would have to review the building and engineering plans to give an answer on moving the steps. Mr. Wiemer further explained the steps for his house. The Board further discussed the variance application. Mr. Wiemer explained to the Board the design of the pool and the surrounding area. Tom DiFransico asked the Building Department if the neighbor could put in a pool as close to the wall as Mr. Wiemer which the Building Official confirmed. Lin Walsh asked Building Official Leggett is this project is doable which the Building Official stated that these variances have been approved in the past but it is up to the Board whether to approve the variance.

The Board had no further discussion.

d. Post Hearing Questions:

1. Has the applicant shown good and sufficient cause to grant the variance?

Roll call: George Lancaster – yes, Lin Walsh – yes, Tom DiFransico – yes, Joey Raspe – no. Roll call vote: 3 – Yes, 1 – No.

2. Will denial of the variance result in unnecessary hardship to the applicant?

Roll call: George Lancaster – yes, Lin Walsh – yes, Tom DiFransico – yes, Joey Raspe – no. Roll call vote: 3 – Yes, 1 – No.

3. *Granting this variance will not result in public expense, a threat to public health & safety and it will not create a threat to or nuisance, or cause fraud or victimization of the public?*

Roll call: Lin Walsh - Yes, Tom DiFransico – yes, George Lancaster – yes, Joey Raspe – no. Roll call vote: 3 – Yes, 1 – No.

4. *The property has unique or peculiar conditions or circumstances to this property that do not apply to other properties in the same zoning district?*

Roll call: Tom DiFransico – yes, George Lancaster – yes, Lin Walsh – yes, Joey Raspe – no. Roll call vote: 3 – Yes, 1 – No.

5. *Granting this variance would not confer any special privileges in terms of established development in the immediate neighborhood?*

Roll call: George Lancaster – yes, Lin Walsh – yes, Tom DiFransico – yes, Joey Raspe – no. Roll call vote: 3 – Yes, 1 – No.

d. Planning & Zoning Board Recommendation:

MOTION: *Motion made by George Lancaster, seconded by Tom DiFransico, to approve the granting of the requested variance for 551 8th Street.*

ON THE MOTION: *Roll Call vote. Lin Walsh – yes, Tom DiFransico – yes, George Lancaster – yes, Chair Joey Raspe – no. Motion passed 3-1.*

The Planning & Zoning Board recommends to the City of Key Colony Beach Board of Commissioners for the requested variance for the property at 551 8th Street to be granted.

City Clerk Silvia Gransee stated to the applicant that his variance request was approved for recommendation to the City Commission and that the Public Hearing will be on August 25th for the final decision on his request

8. Any Other Business - *Tom DiFransico asked on the resolution on the height restrictions and asked if there would be additional Townhall Meetings. Tom DiFransico further stated that the Board has heard from some residents that they are unhappy with the proposed LDR's. Tom DiFransico continued saying that the Planning & Zoning Board would like to know how the issues will be addressed and how the city will proceed. City Attorney Ryan Benninger stated that Legal is not prepared to provide an answer as he is not aware of the status of any additional Townhall meetings. Chair Joey Raspe stated that the City Administrator had informed him that the city is leaning towards the Fall when more residents are coming back into town to be able to attend the meeting in person. Chair Joey Raspe stated that the Board wants to make sure that nothing gets approved before additional workshops have taken place where residents can express their concerns. City Clerk Gransee explained that the City will have an additional Townhall meeting and no date has been set. City Clerk Gransee confirmed that no decisions will be made prior to an additional Townhall meeting and that the item is not on the agenda for upcoming Commission meetings. The City Clerk further explained that the first Townhall meeting recording is available to anyone that was not able to attend. Tom DiFransico asked City Clerk Gransee to clarify the approval process for the LDR's. City Clerk Gransee explained her understanding of the approval process which Building Inspector Leggett further explained as well. Building Official Roussin and City Attorney Benninger also explained the review process with the DEO to the Board. Building Official Roussin explained to the Board that the height requirements were taken out of the Comp Plan and will be separately approved with the LDR's. City Attorney Ryan Benninger clarified to the Board that the second reading of the Comp Plan was approved by the Commission. Chair Joey Raspe asked what the procedures*

are with the LDR's which City Attorney Benninger explained that a second Townhall meeting will be held for public input prior to a second reading of the LDR's. The Board had no other questions.

9. The meeting adjourned at 10:20 a.m.

*Respectfully submitted,
Silvia Gransee
City Clerk*

DRAFT