

**Minutes**  
**PLANNING & ZONING COMMITTEE**  
**REGULAR MEETING AND VARIANCE HEARING**  
**Wednesday, April 21, 2010 9:30 a.m. – City Hall Conference Room**

1. Call to Order, Roll Call – Vice-Chair Marie Flood called the meeting to order at 9:30 a.m. Present were: Marie Flood, Ron Anderson, Ron Foster, and Bob Glassman. Excused: Bill Danaher and John Curry. Also present: Building Official Edward Borysiewicz and City Clerk Vickie Bollinger. Public: 2
2. Approval of Minutes: Regular Meeting December 16, 2009  
Approved as written.
3. Discussion
  - A. Variance Request – Dock, Lot 7, Block 1, Key Colony Beach Subdivision  
220 1<sup>st</sup> Street, Richard Baer, Owner

Administration of Oath to all Witnesses on All Matters – City Clerk

Clerk administered the oath to all witnesses for the variance.

Disclosure of Ex Parte Communication - Committee Members

Bob Glassman and Ron Anderson stated they had discussed this variance request with Jeff Ryder who is the general contractor for the project and representing Mr. Baer.

Building Official Borysiewicz stated Mr. Baer applied to install a new dock at 220 1<sup>st</sup> Street. Residences on either side of this new home have similar docks. City code 5-34 allows a six-foot wide dock to extend 30 feet into the waterway. However, permits from the Army Corps of Engineers (ACOE) and the Department of Environmental Protection (DEP) require the dock to extend a minimum of 36 feet due to the seagrass beds. Therefore, a six-foot variance from city code is needed in order to build a dock that will meet ACOE and DEP permit requirements. Building Official Borysiewicz stated that other docks on this waterway exceed the city code. It is not unusual or unique for ACOE and DEP to require longer docks to protect the seagrass beds along this waterway.

Jeff Ryder and Daryle Osborn were present to represent the owner Mr. Baer.

The committee, Building Official Borysiewicz, Mr. Ryder and Mr. Osborn discussed/commented:

- The dock must be a grated surface to allow for light to reach the seagrass beds.
- The minimum 36-foot length was dictated to Mr. Baer by ACOE.
- On a similar project, ACOE allowed the applicant to use 2-inch deck boards spaced three-quarters inch apart instead of the grating. This may be acceptable for this project as well.
- The grating was developed for another application, but is working very well for docks. It has a long life, it's an inert surface, and maintenance-free.
- A boat lift will be installed at a later time on the east side of the platform.

The Committee considered the following standards and responses, making comments and asking questions.

1. The applicant shall demonstrate a showing of good and sufficient cause.  
**Response:** City code permits a dock to extend 30' into Key Colony Beach Channel at a width of 6'0". The Army Corp of Engineers and the Dept of Environmental Protection will not permit exisiting (*sic*) seagrass to be covered by a dock or a moored vessel. Therefore this is

why a 6'0" dock variance is requested. This variance (*sic*) request is mandated by the ACOE and DEP, not the owner of the property. Other docks on 1<sup>st</sup> have been granted similar variances (*sic*) over the years.

**Comment:** None.

**Vote:** Foster – yes, Anderson – yes, Glassman – yes, Flood – yes

**Vote: Yes**

2. Failure to grant the variance would result in unnecessary hardship to the applicant.

**Response:** The owner would not be permitted to install a dock and moor his vessel. Again all other properties along Key Colony Beach Channel have docks and several similar variances (*sic*) have been granted by the city over the years.

**Comment:** None.

**Vote:** Foster – yes, Anderson – yes, Glassman – yes, Flood – yes

**Vote: Yes**

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.

**Response:** If this variance was granted there would be no increase to public expense that would not otherwise occur. The variance approval would not create a threat to public health and safety. The granting of this variance would not create a nuisance or cause fraud or victimization of the public. The granting of this 6' dock variance would give this owner the same privileges (*sic*) of boat dockage as all the neighboring properties already have. Again, numerous similar dock variances have been granted.

**Comment:** None.

**Vote:** Foster – yes, Anderson – yes, Glassman – yes, Flood – yes

**Vote: Yes**

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.

**Response:** Due to the location of seagrass the ACOE and DEP require the dock to extend 6'0" beyond city regulations.

**Comment:** None.

**Vote:** Foster – yes, Anderson – yes, Glassman – yes, Flood – yes

**Vote: Yes**

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.

**Response:** If this variance was granted it would not confer upon the applicant any special privilege (*sic*) that is denied to other properties in the immediate neighborhood as numerous other similar variances have been granted in the neighborhood over the years.

**Comment:** None.

**Vote:** Foster – yes, Anderson – yes, Glassman – yes, Flood – yes

**Vote: Yes**

All five conditions were met, and per city code 101-171(5)(b)(1) the Planning & Zoning Committee recommends approval of the request for a 6-foot variance for a dock at 220 1<sup>st</sup> Street, Richard Baer, owner.

**B. Directory Sign for KCB Shopping Center**

Building Official Borysiewicz stated that tenants of the KCB Shopping Center had asked to erect a sign listing tenants of the shopping center. There used to be a sign there, but it was damaged and later removed. City code allows for a directory sign with a maximum of 24 square feet of area, but does not address the height. He said a directory sign is defined as an

index consisting of the names of the tenants of an office building, shopping center or other multi-tenant business complex.

Building Official Borysiewicz stated the old sign was twelve feet high and was located at the north end of the shopping center by the deli. The sign consisted of two poles with a 6-foot high by 4-foot wide area at the top that listed the businesses; the bottom six feet was open to allow for traffic visibility. The current tenants are asking to replace the sign with the same dimensions as the old sign.

Building Official Borysiewicz stated that his wife's business was one of the tenants which may be perceived as a conflict. He asked the committee for comment and agreement to issue the building permit. He said he asked one tenant, Evelyn Lau, owner of Key Bana to discuss this with the city clerk.

City clerk stated she had spoken with Ms. Lau who said: that for many years there was a sign by the deli that listed all the businesses in the shopping center. The sign was damaged a couple years ago and later removed. The adjacent property owners had planted palm trees that also obstructed the old sign. A new sign had been erected, but it did not list the tenants and it was too short to be easily seen. The tenants of the shopping center contacted the land owner and received permission to erect a new sign. The tenants are only asking that they be allowed to replace the old sign. The current sign would be incorporated into the new sign or totally replaced.

Building Official Borysiewicz and the committee discussed/commented:

- Area between Sparky's and the deli is very congested and big trucks use that area.
- The sign should not be placed in the center of the shopping center to avoid parking issues.
- 12 feet may be too high since many cities are trying to prohibit large signs.
- Retail businesses rely heavily on signs.
- The current sign at the south end of the shopping center is easily missed and many must turn around and come back to shop.
- Building Department's intent is to issue a permit to replace the old sign.
- Lack of signage can be a problem for businesses.
- Placement of the new sign was discussed but the committee agreed the tenants should make the decision.

There was general agreement by the committee that the old sign could be replaced at a height of up to 12 feet. They expressed a desire that the sign be aesthetically pleasing and in keeping with a tropical theme.

#### 4. Any Other Business

Election of Chair and Vice-Chair

City clerk called for nominations for Chair. Marie Flood nominated Bill Danaher.

City clerk called for nominations for Vice-Chair. Ron Foster nominated Marie Flood.

There being no other nominations, Bill Danaher was elected Chair and Marie Flood elected Vice-Chair by acclamation.

There being no further business, the meeting adjourned at 10:00 a.m.

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Vickie L. Bollinger, City Clerk

Note: A mechanical recording has been made of the meeting of which these minutes are a part, and a copy is on file in the office of the City Clerk, as a public record.