

**Minutes**  
**PLANNING & ZONING COMMITTEE**  
**REGULAR MEETING AND VARIANCE HEARING**  
**Wednesday, May 20, 2009 9:30 a.m. – City Hall Conference Room**

1. Call to Order, Roll Call – Chair Bill Danaher called the meeting to order at 9:30 a.m. Present were: Bill Danaher, Ron Anderson, Ron Foster, Bob Glassman and John Curry. Excused: Marie Flood. Also present: Attorney Thomas Wright and Assistant to the City Clerk Lyn Paterson. Public: 2
2. Approval of Minutes: Regular Meeting April 15, 2009  
Approved as written.
3. Discussion
  - Variance Request – 231 2<sup>nd</sup> Street
  - Disclosure of Ex Parte Communication - Committee Members – None.
  - Variance Request – Room addition, Northern ½ of Lot 9, Block 2, Key Colony Beach Subdivision  
231 2<sup>nd</sup> Street, Orpheus Woodbury, Owner

Assistant to the City Clerk administered the oath to all witnesses in all matters to be heard on this date.

Chair Danaher asked Mr. Woodbury to explain his need for a variance. Mr. Woodbury stated he has lived in Key Colony Beach for the last nine years, his wife is a teacher and he has two daughters. He does not want to leave Key Colony but the home he lives in is only 750 sq. ft. and they are very crowded. In order to stay here he needs to add a bedroom and bath. The lot is long and there is a lot of room at the back, but he just wanted a side variance for aesthetic reasons and square off the house. The committee had no questions.

Mr. James Pettorini stated he lives at 260 3<sup>rd</sup> Street, a single family home behind Mr. Woodbury. He had a few questions to ask the committee: do they make the regulations and who approves them as far as the set backs and why 8.5 ft. His main concern is quality of life, and reduction in the setback, plus there is a patio in the back. In four lots there is his single family home and 3 duplexes with 6 families. He does not want any set back less than the law allows.

Chair Danaher explained set backs are an ordinance and the City Commission approves them not the Planning and Zoning Board. Attorney Wright stated they were changed in the 90's after the house was built. Chair Danaher explain it was a side set back that Mr. Woodbury wanted not a rear set back and it would not affect Mr. Pettorini's property. Mr. Woodbury had more space at the back to build that did not need a variance.

Mr. Pettorini said he misread the variance application and thought the variance was for the rear of the lot not the side set back. He apologized and stated he had no objection with the variance and wishes Mr. Woodbury good luck.

Chair Danaher asked the committee if there were any questions before he read the 5 criteria. Bob Glassman asked if any other side variances to square off the house had been passed. Chair Danaher said yes, several had been passed for aesthetic reasons.

Mr. Pettorini asked to speak again. He said he was a live-and-let-live person but he would like less rules and not so many exceptions. He likes Mr. Woodbury and he does not mean this one, but something like the storage shed issue. It was stated this committee only makes recommendations and it is the City Commission that makes and passes the rules and that issue would have to go to the City Commission.

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

1. The applicant shall demonstrate a showing of good and sufficient cause.  
**Response:** Addition would match existing residence structure and is required for adequate room sizing and orientation addition would not encroach into the existing setback any further than the existing residence.  
**Comment:** Chair Danaher stated many other additions to square off the house have been passed for aesthetic reasons and it is not any more of an encroachment then what is already there.  
**Vote:** Curry - yes, Anderson – yes, Foster – yes, Glassman - yes, Danaher - yes **Vote: Yes**
  
2. Failure to grant the variance would result in unnecessary hardship to the applicant.  
**Response:** A significant increase to the project budget would be required to offset the structures, in addition the limited site width makes the addition impractical without a variance  
**Comment:** None  
**Vote:** Curry - yes, Anderson - yes, Foster – yes, Glassman - yes, Danaher - 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:** No increase to public expense will be needed as a result of the variance, no threat to public health & safety or nuisance would occur as well, along with no fraud or victimization of the public.  
**Comment:** None  
**Vote:** Curry - yes, Anderson - yes, Foster – yes, Glassman - yes, Danaher – 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:** Existing lot features native vegetation that would be destroyed if a deeded addition were to be constructed. Also narrow lot features limit addition options  
**Comment:** Attorney Wright was not sure if that is the correct answer legally the addition could have been built except for the change in the set backs.  
**Vote:** Curry - yes, Anderson - yes, Foster – yes, Glassman - yes, Danaher - 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:** No special privileges would be granted as a result of the variance. The addition will not effect the immediate neighborhood as a result of the the (sic) development  
**Comment:** None  
**Vote:** Curry - yes, Anderson - yes, Foster – yes, Glassman - yes, Danaher - yes **Vote: Yes**

Chair Danaher apologizes but forgot to read the email sent in from a citizen after the agenda packets were made up.

Owner of 261 3<sup>rd</sup> Street sent an email opposing the variance request, stating the set backs are there for a reason.

Attorney Wright reminded the committee that they do not need a motion since all 5 criteria were met.

4. Any Other Business – None

There being no further business, the meeting adjourned at 9:50 a.m.

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Lyn Paterson, Assistant to the 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.