

## Minutes

### KEY COLONY BEACH CITY COMMISSION VARIANCE PUBLIC HEARING

Thursday, June 24, 2010 - 9:30 a.m. City Hall Auditorium

1. ***Call to Order, Pledge of Allegiance, Prayer, Roll Call*** - The Variance Public Hearing was called to order by Mayor Sutton at 9:30 a.m. immediately followed by the Pledge of Allegiance and Prayer. *Present:* Mayor Ron Sutton, Vice-Mayor Geraldine Zahn, Commissioner Jeff Vorick, Commissioner Mary Schmidt and Commissioner John DeNeale. *Also Present:* Attorney Thomas Wright, Police Chief Robert Petrick, Building Official Edward Borysiewicz and City Clerk Vickie Bollinger. Public: 2
  
2. ***Introductory Statement***  
Mayor Sutton read: Variance Request from R. Scott & Barbara Perry, 410 10<sup>th</sup> Street (Lot 57N, Block 10, Key Colony Beach First Addition) for the following:  
  
Applicant requests a variance to the Key Colony Beach Land Development Regulations, Article III. District Regulations, Section 101-12 R-2A Two dwelling unit residence district, Subsection (5) *Setbacks*, to install a screen room addition which would encroach into the 8.5 foot side setback by 1 foot 6 inches at the north side of the property. Proposed screen room addition will align with the existing house wall and roof on the north side.
  
3. ***Proof of Publication, Affidavit of Mailing Notices - City Clerk***  
City Clerk stated notice of this hearing was published in the Florida Keys Keynoter June 12, 2010 and notices were mailed to 52 surrounding property owners.
  
4. ***General Standards for Granting a Variance: LDR 101-171(5)(a)***  
Mayor Sutton read the general standards: Variances from the terms of this chapter shall be approved only if they will not be contrary to public interest. In order to recommend or authorize any variance from the terms of this chapter, all of the specific standards listed in LDR 101-171(5)(a) must be met. However, when all of the 5 conditions are not met, the planning & zoning committee may recommend and the city commission may make an exception and grant a variance when they believe that the granting of the variance will have minimum adverse effect on other citizens of Key Colony Beach or on the city. Approval of a variance under these conditions would require a favorable vote of 4/5 of the city commission. *This variance request was approved by the Planning & Zoning Committee, met all five conditions, and requires a 3/5 vote of the commission for approval.*
  
5. ***Review of Variance Request***
  - a. Disclosure of Ex Parte Communications – None
  - b. Administration of Oath to Witnesses - City Clerk administered the oath to all witnesses.
  - c. Presentation of Variance Request – Building Official Borysiewicz stated that the owners of 410 10<sup>th</sup> Street wished to add a screened porch onto their half duplex. This addition would align with the existing side wall and roof lines. He said that when the house was built the side setback was 7 feet, but it is now 8.5 feet. The porch addition would encroach into the side setback by 1.5 feet. This type of variance has been granted in the past and had been given to the owner of the other half of this duplex for this same purpose.
  - d. Statement by applicant if desired – None

- e. Planning & Zoning Committee Recommendation – City clerk stated the Planning & Zoning Committee had voted that all five criteria were met and voted to recommended approval of the variance request by unanimous vote of the committee.

6. *Correspondence and Public Comments* - None

7. *Commissioner Comments* – None

8. *Motion to Approve, Deny, or Approve with Conditions*

**Motion** – Moved by Commissioner Schmidt, seconded by Vice-Mayor Zahn, to accept the findings and recommendations of the Planning & Zoning Committee and to approve the variance at 410 10<sup>th</sup> Street to allow a 1.5 foot encroachment into the side setback to construct a screen porch. Roll Call Vote: Unanimous approval.

Variance Hearing adjourned at 9:35 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.