

Minutes

KEY COLONY BEACH CITY COMMISSION VARIANCE PUBLIC HEARING

Thursday, June 25, 2009 - 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, Commissioner Jeff Vorick, Commissioner Seneca "Tucker" DeGraw, Vice-Mayor Geraldine Zahn and Commissioner Mary Schmidt. *Also Present:* Attorney Thomas Wright, Police Chief Robert Petrick, Building Official Edward Borysiewicz and City Clerk Vickie Bollinger. Public: 3

2. ***Introductory Statement***
Mayor Sutton read: Variance Request from Request from Orpheus Woodbury, 231 2nd Street – (Northern ½ of Lot 9, Block 2, Key Colony Beach Subdivision) 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 room addition which would encroach into the 8.5 foot side setback by 2 feet 10 inches at the north side of the property. Proposed room addition will align with the existing wall and roof on the north side and the existing house wall and roof.

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 13, 2009 and notices were mailed to 139 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 – Commissioner Vorick stated he knew the applicant socially and had explained the variance and building permit processes. He stated that those discussions would not have an impact on his deliberations or vote in this matter.
 - b. Administration of Oath to Witnesses - City Clerk administered the oath to all witnesses.
 - c. Presentation of Variance Request – Planning & Zoning Chair Bill Danaher stated similar variances have been granted in the past. The side setback in Item 2 above should be 7.5 feet not 8.5 feet. He said that the neighbor to the rear had expressed concern, but when the request was explained he had no objection.
 - d. Statement by applicant if desired – Jessica Woodbury stated the current residence was 750 square feet and with two children, they needed more room. She said she is a kindergarten

teacher at Switlik and her husband is a fisherman, but had applied to be a firefighter for the City of Marathon. The family likes living in the city, but needs more room.

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

6. *Correspondence and Public Comments* - None

7. *Commissioner Comments*

Commissioners commented that several similar variances had been granted in the past and there were no concerns about approving this one.

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

Motion – Moved by Commissioner DeGraw, seconded by Commissioner Schmidt, to accept the findings and recommendations of the Planning & Zoning Committee and to approve the variance at 231 2nd Street to encroach into the 7.5 foot side setback by two feet 10 inches. Roll Call Vote: Unanimous approval.

Variance Hearing adjourned at 9:38 a. m.

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.