

Minutes
PLANNING & ZONING COMMITTEE
REGULAR MEETING
Wednesday, August 19, 2009 9:30 a.m. – City Hall Conference Room

1. Call to Order, Roll Call – Chair Bill Danaher called the meeting to order at 9:40 a.m. Present were: Bill Danaher, Marie Flood, Ron Foster, and Bob Glassman. Excused: Ron Anderson and John Curry. Also present: Attorney Thomas Wright, Building Official Edward Borysiewicz, and Assistant to the City Clerk Lyn Paterson. Public: 1

2. Approval of Minutes: Regular Meeting May 20, 2009
Approved as written.

3. Discussion

A. Dockside Shade Structure

Building Official Edward Borysiewicz explained under Section 101-17 (4) Accessory structures and uses. All customary accessory structures and uses are permitted for the Marina. The particular shade structure in question is made of existing structural aluminum fish racks and canvas and has been designed and approved by a State of Florida engineer for 150 mile winds except for the canvas cover which can be removed in 10 minutes. It is 4 feet from Bone Fish Bay and it is used to cover the Marina's equipment such as the tractor. This structure could also fall under Sec. 101-26 (2) Dockside shelters. The structure is approximate 423 square feet in size.

Terry Fisher owner of the Marina stated the structure is anchored to the seawall. His intention is to build a permanent garage with showers but with this economy he cannot afford it at this time, and that the structure in question is only temporary for some shade.

Chair Bill Danaher agreed shade is necessary for equipment and work. After a discussion of what category this structure would fall under and how the canvas was attached, Attorney Tom Wright stated he felt it would fall under the commercial Section 101-17 (4) Accessory Structures and uses. The setback for commercial buildings is 15 feet; therefore it would need a variance.

Chair Danaher asked the committee if there were any other questions. The committee agreed unanimously that Mr. Fisher needed a variance. Building Official Borysiewicz said he would help Mr. Fisher with the variance application for a setback under 101-17 (7) and it would cost \$750.00.

B. Retractable Awnings

Building Official Borysiewicz mentioned there is a duplex on Coral Lane that wanted to erect a covered patio but due to the present set backs it is not allowed. Originally the setbacks were 5 feet and now are 20 feet making it impossible to construct a covered patio. The owners then requested permission to install a retractable awning for shade. The awning when it is extended would be 10 feet or more into the canal side set back.

Marie Flood felt the retractable awning was no different than a large umbrella and it was not a structure. The only difference is the retractable awning is attached to the house. Building Official Borysiewicz was asked if there were any permits issued for the same type of awning in other areas of the City. Building Official Borysiewicz stated he has issued only one to the Cabana Club. Attorney Wright stated he felt that D.C.A. would not approve of the rain water run off into the canals from the awning. If an overhang of more than 3 feet needs a variance he felt the awning would also need a variance. The committee asked Attorney Wright to read the meaning of a structure. He also mentioned sheds in the set-back need an Administrative variance. All members agreed that an awning of this type would fall into the structure category and needs a variance.

4. Any Other Business – City Official Borysiewicz mentioned similar structures, like umbrellas, and gazebos that are set up for a day will not get a citation, but must be taken down in the evening.

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

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.