

Minutes

KEY COLONY BEACH CITY COMMISSION VARIANCE PUBLIC HEARING

Tuesday, November 24, 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: 9

2. ***Introductory Statement***
Mayor Sutton read: Variance Request Ocean Landing, Inc. Terry Fisher, 400 Sadowski Causeway (Lot 1, Marina 1 Subdivision) for the following:

Applicant requests a variance to the Key Colony Beach Land Development Regulations, Article IV. Supplemental Regulations, Section 101-26 Accessory structures and uses, Subsection (2) *Dockside Shelters*, to install a dockside shelter/structure. Variance requested for size and location of dockside shelter/future.

3. ***Proof of Publication, Affidavit of Mailing Notices - City Clerk***
City Clerk stated notice of this hearing was published in the Florida Keys Keynoter November 14, 2009 and notices were mailed to 30 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 – Planning & Zoning Chair Bill Danaher stated the applicant originally applied for two issues: a setback for an existing structure and for a permanent structure, but it was determined separate variances were needed. This variance is for the square footage of an existing dockside shelter.
 - d. Statement by applicant if desired – Owner Terry Fisher stated that in the future he would like to build a permanent structure with a laundry, showers, and other facilities, but for now he needed a place to work out of the sun. He acknowledged that in the future if he were to build a permanent structure, he would need to apply for another variance.

- 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 with the condition that the structure remain at the current size and not be enlarged.

6. *Correspondence and Public Comments* - None

7. *Commissioner Comments*

In response to questions, Building Official Borysiewicz stated that this structure was a dockside shelter and that dockside shelters are permitted throughout the city. The question here was the size: code allows for dockside shelters to be 80 square feet, but this one is about 450 square feet. He stated that some owners have been asked to relocate their structures to comply with dockside shelter codes regarding setbacks.

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

Motion – Moved by Commissioner Vorick, seconded by Commissioner DeGraw, to accept the findings and recommendations of the Planning & Zoning Committee, to find the variance criteria had been met, and to approve the variance at 400 Sadowski Causeway for a dockside shelter. Roll Call Vote: Unanimous approval.

Variance Hearing adjourned at 9:40 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.