

Minutes
PLANNING & ZONING COMMITTEE
REGULAR MEETING
Wednesday, December 16, 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 Foster, Bob Glassman, and Marie Flood. Excused: Ron Anderson and John Curry. Also present: Attorney Thomas Wright, Building Official Edward Borysiewicz, and City Clerk Vickie Bollinger. Public: 3, including Commissioner Vorick.

2. Approval of Minutes: Regular Meeting October 21, 2009
Approved as written.

3. Discussion
Canvas Tent Structures on Roof – LDR 101-16 RH Resort hotel district.
Cabana Club and Cabana Breezes, 401 & 425 East Ocean Drive

Building Official Edward Borysiewicz stated he was asking for direction from the committee regarding a canvas type structure at Cabana Breezes. He provided history of the structure and related city codes:

Six months ago or more, canvas type structures were reviewed throughout the city and some had to be removed. One structure at the marina was given a variance and permitted by the city. He was made aware of similar structures at Cabana Breezes and the Cabana Club and spoke to April Tracy about them. Ms. Tracy hired an engineer who provided a report. As a result, Ms. Tracy removed some of the structures. One structure that remains is located closest to the pier entrance to Cabana Breezes and measures 9 feet 4 inches by 9 feet 1 inch. It has a tubular frame and canvas cover. The engineer recommended the canvas be removed during high winds and said the pole frame was rated to withstand 125 mph winds with 3 second gusts to 150 mph. However, the engineer recommended the frame be removed when winds were in excess of 70 mph. Ms. Tracy has agreed to do that.

Building Official Borysiewicz wanted input on whether or not this would be considered a dockside shelter. He continued, providing city codes regarding dockside shelters:

Dockside shelters are to be 100 feet from MHW, but this shelter is attached to a concrete patio with a tiki bar and restaurant. All of these structures were existing when the 100-foot setback rule was adopted in 1991. In fact they were there 30-40 years prior to the 1991 rule. The concrete pad acts as a seawall. Per city code, dockside shelters can be 80 square feet with an 18 inch overhang totaling 143 square feet. The existing structure totals 85 square feet, well below the maximum size permitted.

Building Official Borysiewicz said that if the committee determines this to be a dockside shelter, then a permit can be issued.

Ms. April Tracy said that the prior owners of the property had canvas structures over the entire concrete deck. Those structures were removed and a much smaller one was installed. When Cabana Breezes was designed, there was no intent not to follow city codes.

Chair Danaher stated that the rule for the setback was put in place to control development and to protect turtles, etc. Given the size of the concrete seawall and deck, the 85 square foot structure was insignificant. He stated he did not see any problem with this structure being a dockside shelter, given its size relative to the seawall and deck. If more of the concrete deck was to be covered, then an engineered and permitted structure would be required.

Committee members all agreed that Building Official Borysiewicz's interpretation that the existing structure at the Cabana Breezes is a dockside shelter. As such, a building permit can be issued.

4. Any Other Business - None

There being no further business, the meeting 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.