

Minutes

KEY COLONY BEACH CITY COMMISSION VARIANCE PUBLIC HEARING

Thursday, May 27, 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: 6

2. ***Introductory Statement***
Mayor Sutton read: Variance Request from Richard Baer, 220 1st Street (Lot 7, Block 1, Key Colony Beach Subdivision) for the following:

Applicant requests a variance to the Key Colony Beach Code of Ordinances, Chapter 5 Boats, Marine Facilities and Waterways: Section 5-35 Docks are not to exceed six (6) feet in width and may extend up to thirty (30) feet into the water from the mean high water line. Proposed 36 foot “L” shaped dock would require a 6 foot variance. Due to the location of seagrass the ACOE and DEP require the dock to extend 6 feet beyond City Regulations.

3. ***Proof of Publication, Affidavit of Mailing Notices - City Clerk***
City Clerk stated notice of this hearing was published in the Florida Keys Keynoter May 15, 2010 and notices were mailed to 109 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 he was not at the P&Z Hearing, but similar variances have been approved in the past to allow docks to meet DEP and ACOE requirements.
 - d. Statement by applicant if desired – Building Official Borysiewicz stated that at 220 1st Street a new residence is under construction and the owner wishes to have a dock. The DEP and ACOE require the dock to be out 36 feet for environmental reasons which is 6 feet further than city code allows. He said that the commission has granted similar variances with these same conditions for a dock or mooring piles in the past.

- 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***

City clerk stated one email had been received:

Tom Tucker, 160 1st Street, expressed support for granting this variance.

Public Comments – None

7. ***Commissioner Comments*** – None

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

Motion – Moved by Commissioner Schmidt, seconded by Commissioner Vorick, to accept the findings and recommendations of the Planning & Zoning Committee and to approve the variance at 220 1st Street to extend past the 30 foot limit into the waterway by 6 feet to install a dock per ACOE and DEP regulations. 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.