

MINUTES
KEY COLONY BEACH
CITY COMMISSION PUBLIC HEARING VARIANCE REQUEST
Thursday April 27, 2016, 9:30 AM
City Hall Auditorium

1. **Call to Order, Roll Call:** The Public Hearing for approval of a variance request at 201 8th Street was called to order by Mayor John DeNeale at 9:30 A.M.

Present: Mayor John DeNeale, Vice Mayor Ron Sutton, Commissioner Jim Pettorini, Commissioner Jerry Ellis and Commissioner April Tracy. *Also Present:* City Administrator Chris Moonis, City Clerk Kathryn McCullough, City Attorney Tom Wright, Building Official Ed Borysiewicz, Police Chief Kris DiGiovanni Public and Fire Chief John Johnson – Public - 7.

2. **Introductory Statement:** Mayor DeNeale read the variance request from George Artz, 201 8th Street (Lot 6, Block 9, KCB 1st Addition) for the following:

A variance to extend the non-conforming dock to the south property line. The dock addition to the south requires a 13 foot variance. The north dock will remain at the current 5 foot width. LDR 101-Section 191(3), City Code 5 Section 35 (10)

A variance for one 15,000 lb elevator lift with 10 foot arms into the canal requiring a 9 foot variance. City Code 5, Section 43 (2)

3. **Proof of Publication, Affidavit of Mailing:** City Clerk McCullough reported the legal notice was published in the Keynoter on April 15, 2017 and letters were mailed to all property owners within 300 feet on March 27, 2017

4. **General Standards for Granting a Variance: LDR 101-191 (3); City Codes 5-35(10) and 5-43.**

Mayor DeNeale stated the variance request was approved by the Planning & Zoning Board. All five conditions were not met. Approval of a variance where all five specific criteria are not met shall require a favorable four fifths (4/5) of the City Commission.

5. **Review of Variance Request:**

a. Disclosure of Ex Parte Communications: None

b. Attorney Wright administered the oath to witnesses who will testify.

c. Presentation of Variance Request: Board Member Joey Raspe reported the Board met on March 15th as a continuance of the variance request. The request was approved by the Planning & Zoning Board. It was not a unanimous vote. Originally the request was denied because the arms of the boat lift would encroach past the 25 % rule in the canal. Mr. Artz came back with a request for 10 feet arms from another manufacturer. Mr. Raspe also reported originally Planning & Zoning had stipulated the arms of the lift should be in the upright position when not launching or retrieving the boat, however, that condition no longer exists.

d. Statement by Applicant: Mr. George Artz has specifications from lift manufactures where the arms would only extend 8 feet into the canal. His boat is a catamaran which requires longer arms than a mono-hull.

e. Planning & Zoning Board Recommendation: City Clerk McCullough reported the Planning & Zoning Board recommended approval of a variance for a 15,000 pound boat lift with 10 foot arms to be connected to the northerly 5 foot width dock. The Planning & Zoning Board also recommended approval of a variance to extend the nonconforming dock approximately 8 foot to the southern property line.

6. Correspondence and Public Comments: City Clerk McCullough reported receipt of a letter from Reynaldo Angulo, 191 8th Street, stating he has no objection to Mr. Artz' variance request.

7. Commissioner Comments: Commissioner Ellis suggested Mr. Artz may want to add an extra foot to the request, as 11 foot arms would not encroach into the 25% rule. Mr. Artz replied 10 foot would be enough.

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

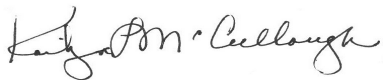
Discussion: Attorney Wright administered the oath to Lyn Paterson owner of 260 9th Street. Ms. Paterson objected to the arms being approved any further than 10 feet. It is very difficult for a boat to turn around at that end of the canal. Vice Mayor Sutton questioned Mr. Artz if he would be content with 10 feet arms. Mr. Artz answered yes.

MOTION: Motion made by Vice Mayor Sutton, seconded by Commissioner Pettorini, to accept the recommendation of the Planning & Zoning with a modification requiring the arms be in the up position when not launching or retrieving the boat.

ON THE MOTION: Roll call vote. Unanimous approval.

The meeting was adjourned at 9:50 AM.

Respectfully submitted,



Kathryn McCullough, City Clerk

Note: These minutes are unofficial and have not been formally approved by the Commission. The approval will be at the next scheduled Commission meeting.