

A G E N D A

KEY COLONY BEACH CITY COMMISSION PUBLIC HEARING VARIANCE REQUEST Tuesday November 24, 2020 – 9:30 a.m. CITY HALL AUDITORIUM

Call to Order, Pledge of Allegiance, Roll Call

Administration of Oath to Witnesses – City Attorney

Disclosure of Ex-Parte Communications - Commissioners

Proof of Publications, Affidavit of Mailing Notices - City Clerk

1. Variance Application 530 4th St. – Edward Perez, owner - Pages 1 - 8

Applicant requests a Variance to Land Development Regulation Chapter 101, Section 12(8) for a 4'0" height variance for a new two dwelling unit residence. Current building height is 30'0".

Review of Variance Request

- a. Presentation of Variance Request - Planning & Zoning Board
- b. Statement by applicant if desired
- c. Planning & Zoning Board Recommendation – Planning & Zoning Board

Commissioner Comments

Motion to Approve, Deny, or Approve with Conditions – 4/5 Vote Required to Approve

2. Variance Application 69 7th St. – Patricia Dav, owner – Pages 9 - 22

Applicant requests a Variance to Land Development Regulation Chapter 101, Section 26 for a setback variance for a pool.

Review of Variance Request

- a. Presentation of Variance Request - Planning & Zoning Board
- b. Statement by applicant if desired
- c. Planning & Zoning Board Recommendation – Planning & Zoning Board

Commissioner Comments

Motion to Approve, Deny, or Approve with Conditions – 3/5 Vote Required to Approve

3. Variance Application 38 Sadowski Causeway. – Albert Priest, owner – Pages 23 - 33
Applicant requests a Variance to Land Development Regulation Chapter 101, Section 50 to convert an existing parking space to a house addition.

Review of Variance Request

- a. Presentation of Variance Request - Planning & Zoning Board
- b. Statement by applicant if desired
- c. Planning & Zoning Board Recommendation – Planning & Zoning Board

Commissioner Comments

Motion to Approve, Deny, or Approve with Conditions – 4/5 Vote Required to Approve

4. Variance Application 101 East Ocean Dr. – Seapointe Condominium, owner Pages 34-53
Applicant requests a setback Variance to Land Development Regulation Chapter 101, Section 15 for installation of sheeptile retaining wall, pile cap, and stairs to beach.

Review of Variance Request

- a. Presentation of Variance Request - Planning & Zoning Board
- b. Statement by applicant if desired
- c. Planning & Zoning Board Recommendation – Planning & Zoning Board

Correspondence and Public Comments

Will be considered if they relate to the merits of the case.

Commissioner Comments

Motion to Approve, Deny, or Approve with Conditions – 3/5 Vote Required to Approve

Adjournment

Join Zoom Meeting

<https://us02web.zoom.us/j/83966954226>

Meeting ID: 839 6695 4226

One tap mobile

+13017158592,,83966954226# US (Germantown)

+13126266799,,83966954226# US (Chicago)

Dial by your location

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 839 6695 4226

Find your local number: <https://us02web.zoom.us/u/kd5Hq2l2WO>

If a person decides to appeal any decision made with respect to any matter considered at a hearing, that person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**City of Key Colony Beach
Planning & Zoning Board**

Post Hearing Questions

- 1.) Has the applicant shown good and sufficient cause to grant the variance? Y / N

- 2.) Will denial of the variance result in unnecessary hardship to the applicant? Y / N

- 3.) Granting this variance will not result in public expense, a threat to public health & safety and it will not create a threat to or nuisance, or cause fraud or victimization of the public? Y / N

- 4.) The property has unique or peculiar conditions or circumstances to this property that do not apply to other properties in the same zoning district. Y / N

- 5.) Granting this variance would not confer any special privileges in terms of established development in the immediate neighborhood? Y / N

City of Key Colony Beach

P.O. Box 510141, Key Colony Beach, FL 33051-0141 • Phone: 305-289-1212
Fax: 305-289-0247
www.keycolonybeach.net



November 2, 2020

To: City Commission

From: Planning & Zoning Board

Re: Variance Request – 530 4th Street (Owner: Edward Perez)

The Planning & Zoning Board heard the applicants request for a height variance to Land Development Regulations Chapter 101, Section 12 (8) for a 4'0" height variance for a new two dwelling unit residence on September 16, 2020 Regular Public Hearing.

Post Hearing Questions Results:

- 1) 5/5 in favor.
- 2) 5/5 in favor.
- 3) 5/5 in favor.
- 4) (2) Yes: George Lancaster and Joey Raspe.
(3) No: Kathryn McCullough, Gary Furtak, and Trudy Troiano.
- 5) 5/5 in favor.

MOTION: Motion made by Chairperson Raspe, seconded by Trudy Troiano to recommend the Commission approve the height variance request at 530 4th Street.

ON THE MOTION: Roll Call Vote. Unanimous Approval.

Final Recommendation: The Planning & Zoning Board recommends the approval of the height variance at 530 4th Street.

A handwritten signature in blue ink that reads "Joey Raspe".

Joey Raspe, Chairperson

CITY OF KEY COLONY BEACH
P.O. BOX 510141
KEY COLONY BEACH, FL 33051-0141
305-289-1212 FAX: 305-289-1767

APPLICATION FOR VARIANCE

APPLICANT: Edward Perez 786-423-9522
Property Owner Name Phone Number
530 4th Street 23 3 Key Colony Bch
Street Address of Variance Lot Block Subdivision
11650 NW 102nd Rd Medley FL 33178
Mailing Address of Property Owner

Owners may have an agent complete this application and represent them at the hearings. In this case, owners must attach to this application a written, signed statement stating the name of the individual or business that may represent them in this matter.

Ryder Construction 305-289-8331
Agent Name Agent Phone Number

VARIANCE REQUESTED to: Land Development Regulations Chapter 101, Section 12(8)
Code of Ordinances Chapter —, Section —

DESCRIPTION OF VARIANCE: Please describe the variance request in regard to type of structure, location on lot, distance from side, rear or front lot lines, or details of the variance, including the current rule in effect and the reason for the variance (for example, building would encroach into the setback by ___ feet). Also state if this is for future construction or existing conditions.

Requesting 4'0" Height variance for
new home

Please attach the following to this application:

- A sketch or site plan of the property showing the variance requested.
- Written responses to the five criteria (questions attached).
- Fee of \$700.00

Signature of Applicant Lessie [Signature] Agent

Office Use Only

Date Filed _____ Date Paid _____ Check # _____
Variance granted / denied on (date) _____

Signature of City Official

Applicant Questions and Responses-

Summarizing Land Development Code 101-171 (5)(a): Variances shall be approved only if the applicant can demonstrate a good and sufficient cause, that denial would result in unnecessary hardship, it will not be contrary to the public interest, that special conditions exist, and that it will not confer any special privilege on the applicant. Please see the attached pages for the entire city codes relating to Variances.

To assist the Planning & Zoning Committee and City Commission in evaluating this variance request, please answer the following questions:

1. What is the "good and sufficient cause" that explains why this variance should be granted?

4' overall height increase will allow higher base flood elevation on living structure. It also allow for more ease of mechanicals between floors and attic areas

2. What are the unnecessary hardships that would result if the variance is not granted?

Modern day ceiling heights, door heights and roof structures are difficult to achieve with current 30' height regulations and the increased base flood elevations

3. If this variance is granted, would there be any increase to public expense that would not otherwise occur? Would it create a threat to public health and safety? Would it create a nuisance? Or cause fraud or victimization of the public?

None of the Above

4. What are the unique or peculiar physical/geographical circumstances or conditions that apply to this property, but do not apply to other properties in the same zoning district?

This property is on the end of the street which will take the first impact of rising waters during a storm. Owner would like to raise base flood higher than current requirement

5. If the variance is granted, would it confer upon the applicant any special privilege that is denied to other properties in the immediate neighborhood in terms of the established development pattern?

No, request is due to new FEMA flood regulations implemented in 2018 after IRMA which immediate neighbors were not subject to

Office Use Only

Comments and Recommendation of the Building Official

AUTHORIZATION OF AGENCY

It is requested that Ryder Construction, Inc. and/or Jeff and Leslie Ryder be listed as authorized agent for the purpose of applying for and/or signing all applicable permits, etc. pertaining to the following property.

530 4th Street, Key Colony Beach, FL 33051
Lot: 23
Block: 3
Subdivision: Key Colony Beach
RE #: 00072890-000000

This authorization becomes effective on the date of this affidavit is notarized and shall remain in effect until terminated by the undersigned.

Edward Perez owner
Print Name and Title

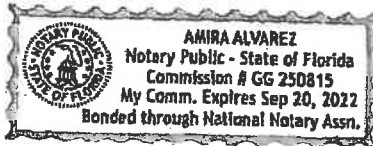
Signature

8-7-20
Date

State of Florida
County of Dade

The foregoing instrument was acknowledged before me this 7 day of August 2020 by _____, who are personally known or { } have produced a drivers license as identification.

{Notary Seal}



[Signature]
Notary Public

Sec. 101-12. - R-2A Two dwelling unit residence district.

- (1) *Intent.* This district is intended to accommodate single unit detached and two unit dwellings. It conforms with the two-family residential category of the comprehensive plan.
- (2) *Permitted uses.*
 - One unit detached dwelling.
 - Two unit dwelling.
- (3) *Accessory structures and uses.* See section 101-26 for detailed regulations.
 - Dockside shelter and related uses.
 - Private boat dock or pier.
 - Private garage.
 - Swimming pool.
 - Tennis court.
 - Home occupation as defined in section 101-34.
 - Family day care home as defined in article II.
 - Utility use, minor.
 - Yard adornments.
- (4) *Lot area and width.*
 - Minimum lot area of 6,000 square feet.
 - Minimum lot width of 60 feet.
- (5) *Setbacks* (see also section 101-26).
 - Front yard minimum of 25 feet.
 - Side yard minimum of 7.5 feet on each side, except on 75 foot wide lots where the minimum shall be 8.5 feet, corner lots or on combined lots. In the case of attached two unit dwellings, one side setback shall be required for each dwelling.

Rear yard minimum of 20 feet.

Corner lots shall have minimum side yards of 25 feet on the street frontage and rear yards measuring the same distance as the required side yard.

For combined lots, the side yard minimum shall be 10 per cent of total width.

(6) *Floor area.* Minimum habitable building area of 800 square feet per dwelling unit.

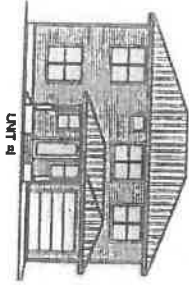
(7) *Pervious area.* Minimum of 15 per cent.

(8) *Height.* Maximum of 30 feet or 2 stories, whichever is less.

(9) *Special regulations.* See sections governing parking, landscaping and signs.

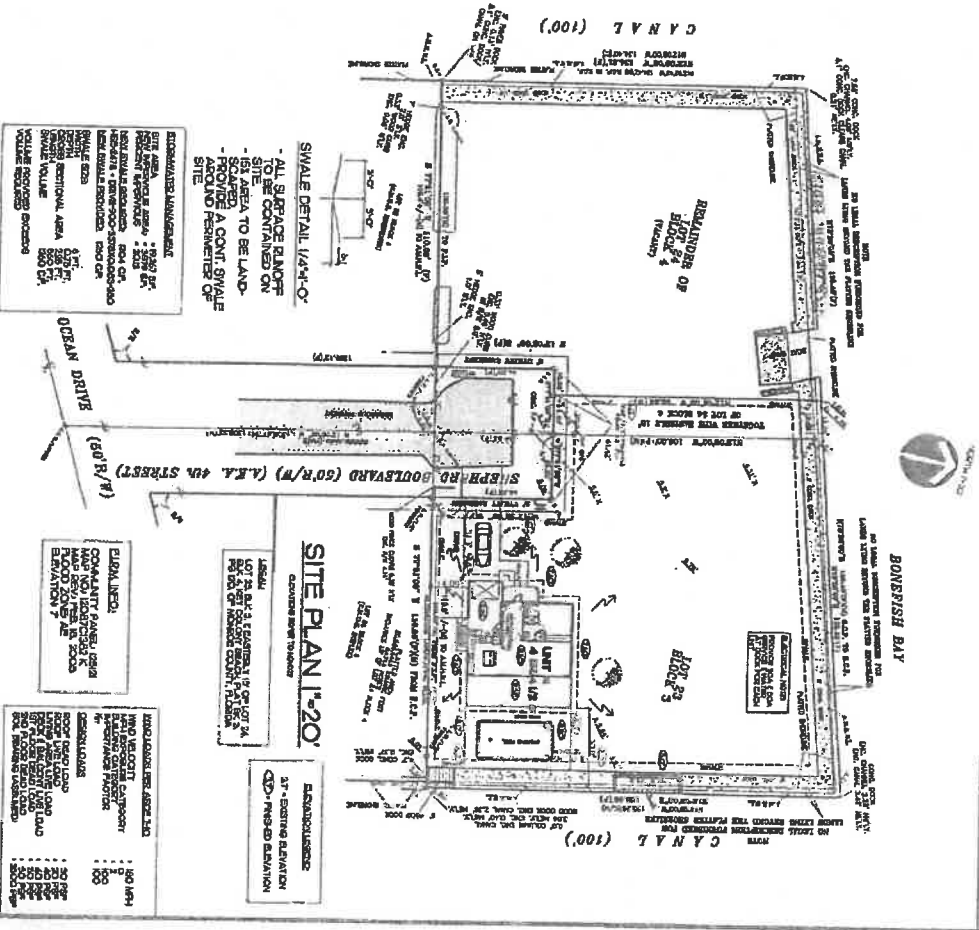
(Ord. No. 299-1995, 12-28-95; Ord. No. 316-1998, 8-13-98)

CUSTOM DUPLEX FOR:
EDWARD PEREZ
530 4TH STREET
KEY COLONY BEACH, FLORIDA



- INDEX**
- 1 COVER SHEET PLAN & INDEX
 - 2 BKG
 - 3 A1
 - 4 A1
 - 5 A1
 - 6 A1
 - 7 A1
 - 8 A1
 - 9 A1
 - 10 A1
 - 11 A1
 - 12 A1
 - 13 A1
 - 14 A1
 - 15 A1
 - 16 A1
 - 17 A1
 - 18 A1
 - 19 A1
 - 20 A1
 - 21 A1
 - 22 A1
 - 23 A1
 - 24 A1
 - 25 A1
 - 26 A1
 - 27 A1
 - 28 A1
 - 29 A1
 - 30 A1
 - 31 A1
 - 32 A1
 - 33 A1
 - 34 A1
 - 35 A1
 - 36 A1
 - 37 A1
 - 38 A1
 - 39 A1
 - 40 A1
 - 41 A1
 - 42 A1
 - 43 A1
 - 44 A1
 - 45 A1
 - 46 A1
 - 47 A1
 - 48 A1
 - 49 A1
 - 50 A1
 - 51 A1
 - 52 A1
 - 53 A1
 - 54 A1
 - 55 A1
 - 56 A1
 - 57 A1
 - 58 A1
 - 59 A1
 - 60 A1
 - 61 A1
 - 62 A1
 - 63 A1
 - 64 A1
 - 65 A1
 - 66 A1
 - 67 A1
 - 68 A1
 - 69 A1
 - 70 A1
 - 71 A1
 - 72 A1
 - 73 A1
 - 74 A1
 - 75 A1
 - 76 A1
 - 77 A1
 - 78 A1
 - 79 A1
 - 80 A1
 - 81 A1
 - 82 A1
 - 83 A1
 - 84 A1
 - 85 A1
 - 86 A1
 - 87 A1
 - 88 A1
 - 89 A1
 - 90 A1
 - 91 A1
 - 92 A1
 - 93 A1
 - 94 A1
 - 95 A1
 - 96 A1
 - 97 A1
 - 98 A1
 - 99 A1
 - 100 A1

UNIT #1 & 2 SECOND & 1/2 BATH
SO. FLOOR/CEILING TABULATION
FIRST FLOOR LIVING AREA - 297 SF
SECOND FLOOR LIVING AREA 100 SF
TOTAL LIVING AREA - 397 SF
GARAGE AREA - 280 SF
FIRST FLOOR PORCH & ENTRY - 69 SF
SECOND FLOOR PORCH - 50 SF
TOTAL PORCH AREA - 119 SF



STORMWATER MANAGEMENT
 1. ALL STORMWATER SHALL BE COLLECTED AND CONVEYED TO THE OCEAN DRIVE CANAL.
 2. THE DEVELOPER SHALL PROVIDE A SWALE DETAIL 1/4"=1'-0" TO BE CONTAINED ON THE SITE.
 3. THE SWALE SHALL BE SCAPED AND PROVIDED A CONT. SWALE AROUND PERIMETER OF THE SITE.

UTILITIES
 1. ALL UTILITIES SHALL BE LOCATED AS SHOWN ON THE SITE PLAN.
 2. THE DEVELOPER SHALL PROVIDE A CONNECTION TO THE OCEAN DRIVE CANAL FOR STORMWATER.
 3. THE DEVELOPER SHALL PROVIDE A CONNECTION TO THE OCEAN DRIVE CANAL FOR SEWERAGE.

WIND LOAD CERTIFICATION
 1. THE BUILDING SHALL BE DESIGNED TO RESIST WIND LOADS AS SHOWN ON THE WIND LOAD CERTIFICATION REPORT.
 2. THE WIND LOAD CERTIFICATION REPORT SHALL BE SUBMITTED TO THE COUNTY ENGINEER FOR REVIEW AND APPROVAL.
 3. THE WIND LOAD CERTIFICATION REPORT SHALL BE SUBMITTED TO THE COUNTY ENGINEER FOR REVIEW AND APPROVAL.

REVISIONS

NO.	DATE	DESCRIPTION
1	01/15/20	ISSUED FOR PERMIT
2	01/20/20	REVISED PER COUNTY COMMENTS
3	01/25/20	REVISED PER COUNTY COMMENTS
4	02/01/20	REVISED PER COUNTY COMMENTS
5	02/05/20	REVISED PER COUNTY COMMENTS
6	02/10/20	REVISED PER COUNTY COMMENTS
7	02/15/20	REVISED PER COUNTY COMMENTS
8	02/20/20	REVISED PER COUNTY COMMENTS
9	02/25/20	REVISED PER COUNTY COMMENTS
10	03/01/20	REVISED PER COUNTY COMMENTS
11	03/05/20	REVISED PER COUNTY COMMENTS
12	03/10/20	REVISED PER COUNTY COMMENTS
13	03/15/20	REVISED PER COUNTY COMMENTS
14	03/20/20	REVISED PER COUNTY COMMENTS
15	03/25/20	REVISED PER COUNTY COMMENTS
16	04/01/20	REVISED PER COUNTY COMMENTS
17	04/05/20	REVISED PER COUNTY COMMENTS
18	04/10/20	REVISED PER COUNTY COMMENTS
19	04/15/20	REVISED PER COUNTY COMMENTS
20	04/20/20	REVISED PER COUNTY COMMENTS
21	04/25/20	REVISED PER COUNTY COMMENTS
22	05/01/20	REVISED PER COUNTY COMMENTS
23	05/05/20	REVISED PER COUNTY COMMENTS
24	05/10/20	REVISED PER COUNTY COMMENTS
25	05/15/20	REVISED PER COUNTY COMMENTS
26	05/20/20	REVISED PER COUNTY COMMENTS
27	05/25/20	REVISED PER COUNTY COMMENTS
28	06/01/20	REVISED PER COUNTY COMMENTS
29	06/05/20	REVISED PER COUNTY COMMENTS
30	06/10/20	REVISED PER COUNTY COMMENTS
31	06/15/20	REVISED PER COUNTY COMMENTS
32	06/20/20	REVISED PER COUNTY COMMENTS
33	06/25/20	REVISED PER COUNTY COMMENTS
34	07/01/20	REVISED PER COUNTY COMMENTS
35	07/05/20	REVISED PER COUNTY COMMENTS
36	07/10/20	REVISED PER COUNTY COMMENTS
37	07/15/20	REVISED PER COUNTY COMMENTS
38	07/20/20	REVISED PER COUNTY COMMENTS
39	07/25/20	REVISED PER COUNTY COMMENTS
40	08/01/20	REVISED PER COUNTY COMMENTS
41	08/05/20	REVISED PER COUNTY COMMENTS
42	08/10/20	REVISED PER COUNTY COMMENTS
43	08/15/20	REVISED PER COUNTY COMMENTS
44	08/20/20	REVISED PER COUNTY COMMENTS
45	08/25/20	REVISED PER COUNTY COMMENTS
46	09/01/20	REVISED PER COUNTY COMMENTS
47	09/05/20	REVISED PER COUNTY COMMENTS
48	09/10/20	REVISED PER COUNTY COMMENTS
49	09/15/20	REVISED PER COUNTY COMMENTS
50	09/20/20	REVISED PER COUNTY COMMENTS
51	09/25/20	REVISED PER COUNTY COMMENTS
52	10/01/20	REVISED PER COUNTY COMMENTS
53	10/05/20	REVISED PER COUNTY COMMENTS
54	10/10/20	REVISED PER COUNTY COMMENTS
55	10/15/20	REVISED PER COUNTY COMMENTS
56	10/20/20	REVISED PER COUNTY COMMENTS
57	10/25/20	REVISED PER COUNTY COMMENTS
58	11/01/20	REVISED PER COUNTY COMMENTS
59	11/05/20	REVISED PER COUNTY COMMENTS
60	11/10/20	REVISED PER COUNTY COMMENTS
61	11/15/20	REVISED PER COUNTY COMMENTS
62	11/20/20	REVISED PER COUNTY COMMENTS
63	11/25/20	REVISED PER COUNTY COMMENTS
64	12/01/20	REVISED PER COUNTY COMMENTS
65	12/05/20	REVISED PER COUNTY COMMENTS
66	12/10/20	REVISED PER COUNTY COMMENTS
67	12/15/20	REVISED PER COUNTY COMMENTS
68	12/20/20	REVISED PER COUNTY COMMENTS
69	12/25/20	REVISED PER COUNTY COMMENTS
70	01/01/21	REVISED PER COUNTY COMMENTS
71	01/05/21	REVISED PER COUNTY COMMENTS
72	01/10/21	REVISED PER COUNTY COMMENTS
73	01/15/21	REVISED PER COUNTY COMMENTS
74	01/20/21	REVISED PER COUNTY COMMENTS
75	01/25/21	REVISED PER COUNTY COMMENTS
76	02/01/21	REVISED PER COUNTY COMMENTS
77	02/05/21	REVISED PER COUNTY COMMENTS
78	02/10/21	REVISED PER COUNTY COMMENTS
79	02/15/21	REVISED PER COUNTY COMMENTS
80	02/20/21	REVISED PER COUNTY COMMENTS
81	02/25/21	REVISED PER COUNTY COMMENTS
82	03/01/21	REVISED PER COUNTY COMMENTS
83	03/05/21	REVISED PER COUNTY COMMENTS
84	03/10/21	REVISED PER COUNTY COMMENTS
85	03/15/21	REVISED PER COUNTY COMMENTS
86	03/20/21	REVISED PER COUNTY COMMENTS
87	03/25/21	REVISED PER COUNTY COMMENTS
88	04/01/21	REVISED PER COUNTY COMMENTS
89	04/05/21	REVISED PER COUNTY COMMENTS
90	04/10/21	REVISED PER COUNTY COMMENTS
91	04/15/21	REVISED PER COUNTY COMMENTS
92	04/20/21	REVISED PER COUNTY COMMENTS
93	04/25/21	REVISED PER COUNTY COMMENTS
94	05/01/21	REVISED PER COUNTY COMMENTS
95	05/05/21	REVISED PER COUNTY COMMENTS
96	05/10/21	REVISED PER COUNTY COMMENTS
97	05/15/21	REVISED PER COUNTY COMMENTS
98	05/20/21	REVISED PER COUNTY COMMENTS
99	05/25/21	REVISED PER COUNTY COMMENTS
100	06/01/21	REVISED PER COUNTY COMMENTS

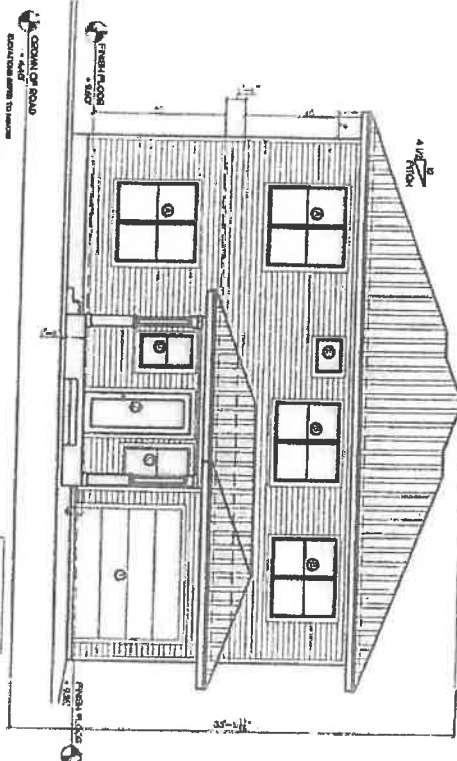
EDWARD PEREZ
530 4TH STREET - UNIT 1
KEY COLONY BCH, FL

DESIGNED BY:
DAVID KOPPEL PE
 1775 WINDY HILL
 WEST PALM BEACH, FL 33411
 PHONE: 561-833-1111
 FLORIDA PE CERT. # 40264

Richard Beuard

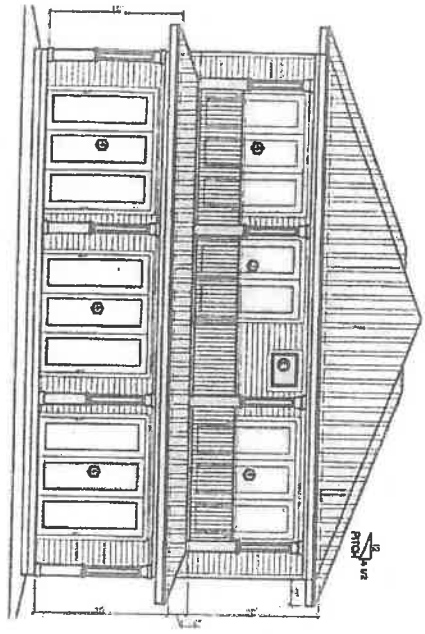
REGISTERED PROFESSIONAL ENGINEER
 STATE OF FLORIDA
 LICENSE NO. 12574
 EXPIRES 12/31/2024

DATE: 01/15/20
 SHEET: 1 OF 2
 PROJECT: EDWARD PEREZ
 530 4TH STREET - UNIT 1
 KEY COLONY BCH, FL

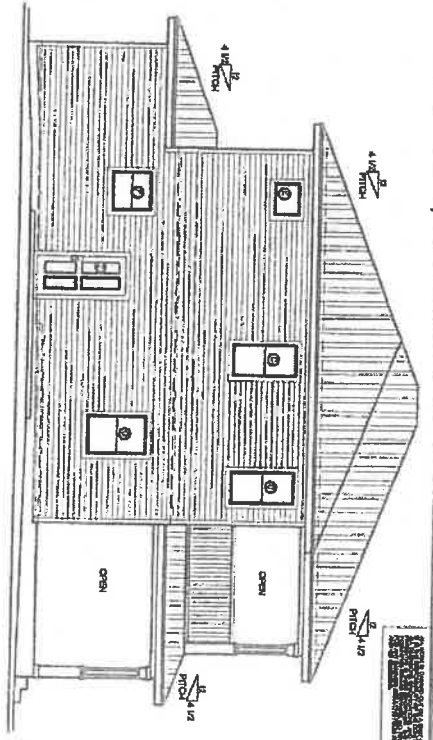


FRONT ELEVATION 1/4"-1'-0"
UNIT #1

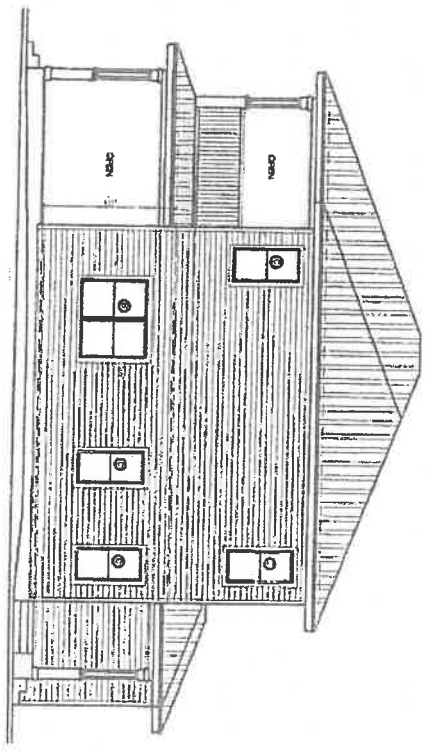
DATE: 08/15/08
DRAWN BY: J. PEREZ
CHECKED BY: D. KOPPEL
SCALE: AS SHOWN
SHEET: 5 OF 9



REAR ELEVATION 1/4"-1'-0"
UNIT #1



RIGHT ELEVATION 1/4"-1'-0"
UNIT #1



LEFT ELEVATION 1/4"-1'-0"
UNIT #1

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AT THE SITE BEFORE PROCEEDING WITH THE WORK. DO NOT SCALE DRAWINGS.

DATE: 08/15/08 DRAWN BY: J. PEREZ CHECKED BY: D. KOPPEL SCALE: AS SHOWN SHEET: 5 OF 9	EDWARD PEREZ 530 4TH STREET - UNIT 1 KEY COLONY BCH., FL.	ARCHITECTING BY: DAVID KOPPEL, P.E. 2729 ROSEN AVE 33075 PALM BEACH, FL 33409 561-727-7462 FLORIDA PE CERT. # 4064	 Richard Bernard ARCHITECTS
---	--	--	--

City of Key Colony Beach

P.O. Box 510141, Key Colony Beach, FL 33051-0141 • Phone: 305-289-1212
Fax: 305-289-0247
www.keycolonybeach.net



November 2, 2020

To: City Commission

From: Planning & Zoning Board

Re: Variance Request – 69 7th Street (Owner: Patricia Day)

The Planning & Zoning Board heard the applicants request for a variance to Land Development Regulations Chapter 101, Section 101-26 for a setback variance for a pool on September 16, 2020 Regular Public Hearing.

Post Hearing Questions Results:

- 1) 5/5 in favor.
- 2) (4) Yes: George Lancaster, Trudy Troiano, Kathryn McCullough, and Joey Raspe.
- 3) (1) No: Gary Furtak.
- 4) 5/5 in favor.
- 5) (3) Yes: George Lancaster, Trudy Troiano, and Joey Raspe.
(2) No: Kathryn McCullough and Gary Furtak.
- 6) 5/5 in favor.

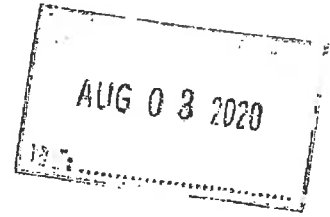
MOTION: Motion made by Kathryn McCullough, seconded by Gary Furtak to recommend the Commission approve the setback variance request at 69 7th Street.

ON THE MOTION: Roll Call Vote. Unanimous Approval.

Final Recommendation: The Planning & Zoning Board recommends the approval of the setback variance at 69 7th Street.


Joey Raspe, Chairperson

CITY OF KEY COLONY BEACH
P.O. BOX 510141
KEY COLONY BEACH, FL 33051-0141
305-289-1212 FAX: 305-289-1767



APPLICATION FOR VARIANCE

APPLICANT: Patricia Day (215) 526-3216
Property Owner Name Phone Number

69 7th Street SLY PT OF LT 36 AKA SLY 19.60 FT OF LT 36 KCB YACHT
Street Address of Variance Lot Block Subdivision

P.O. Box 510562 Key Colony Beach, FL 33051
Mailing Address of Property Owner

Owners may have an agent complete this application and represent them at the hearings. In this case, owners must attach to this application a written, signed statement stating the name of the individual or business that may represent them in this matter.

CUNNINGHAM MILLER, P.A. Robert K. Miller, Esq. (305) 743-9428
Agent Name Agent Phone Number

cl.miller@floridakeysbc.com

VARIANCE REQUESTED to: Land Development Regulations Chapter 101, Section 26
Code of Ordinances Chapter _____, Section _____

DESCRIPTION OF VARIANCE: Please describe the variance request in regard to type of structure, location on lot, distance from side, rear or front lot lines, or details of the variance, including the current rule in effect and the reason for the variance (for example, building would encroach into the setback by feet). Also state if this is for future construction or existing conditions.

Applicant requests a five-foot (5') variance for a distance of 20' on both side lot lines to the rear of her residence to accommodate the installation of a 9'7" x 19' in ground swimming pool. (sketch attached to application).

Please attach the following to this application:

- A sketch or site plan of the property showing the variance requested.
- Written responses to the five criteria (questions attached).
- Fee of \$700.00

Signature of Applicant *Patricia Day*

Office Use Only

Date Filed _____ Date Paid _____ Check # _____

Variance granted / denied on (date) _____

Applicant Questions and Responses-

Summarizing Land Development Code 101-171 (5)(a): Variances shall be approved only if the applicant can demonstrate a good and sufficient cause, that denial would result in unnecessary hardship, it will not be contrary to the public interest, that special conditions exist, and that it will not confer any special privilege on the applicant. Please see the attached pages for the entire city codes relating to Variances.

To assist the Planning & Zoning Committee and City Commission in evaluating this variance request, please answer the following questions:

1. What is the "good and sufficient cause" that explains why this variance should be granted?

Applicant lives in KCB year-round. Given the increasingly extreme and unbearable heat we have been experiencing in summer a pool has become essential to our ability to continue living here throughout the year. Applicant has sought alternative solutions to installing a pool, including joining private pool clubs, and has found the expense and near to over-capacity crowds during the winter months do not meet applicant's needs. Applicant has selected a modest size pool that provides the minimum dimensions necessary for swimming, as opposed to wading; however, its installation still requires a variance from KCB. There are already numerous existing pools in KCB for which variances were granted to enable construction and; therefore, Applicant believes the denial of this variance request would constitute discriminatory enforcement of the KCB development regulations in favor of larger properties. Granting of the requested variance would not impede access by first responders, and Applicant's immediate neighbors, the only persons who might plausibly be adversely impacted by the granting of the requested variance have no objections to the requested variance. The granting of the variance will also help to reduce overcrowding of existing public facilities available to residence and tourists as a general benefit to the community.

2. What are the unnecessary hardships that would result if the variance is not granted?

If the variance is not granted the residents will be required to seek out alternative private pools in KCB and surrounding cities which would be costly, not meet the needs of the applicant and would perpetuate the increasing overcrowding of limited public facilities. Applicant suffers from a medical condition for which dialing swimming is a recommended treatment. If the variance is not granted the Applicant will be required to seek out alternative private pools in KCB and surrounding cities which would be costly, not meet the needs of the applicant and would perpetuate the increasing overcrowding of limited public facilities.

3. If this variance is granted, would there be any increase to public expense that would not otherwise occur? Would it create a threat to public health and safety? Would it create a nuisance? Or cause fraud or victimization of the public?

Granting this variance will not increase any public expense, will not create a threat to public health or safety, will not create a nuisance, nor will it cause fraud or victimization of the public.

4. What are the unique or peculiar physical/geographical circumstances or conditions that apply to this property, but do not apply to other properties in the same zoning district?

The distance from end of structure (home) to the sea wall is unique to duplex homes particularly on 7th street, as it provides over 57' which is well within the requirements necessary by code to construct a swimming pool with plans as submitted. Other similar duplexes on 7th Street are limited with the depth of the properties.

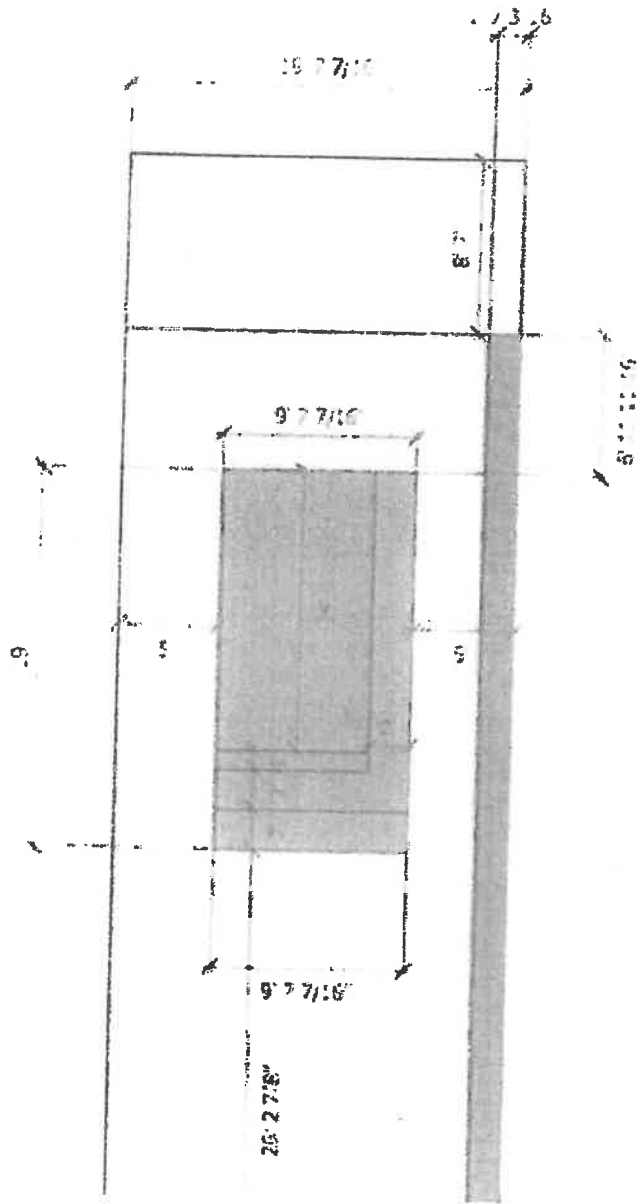
5. If the variance is granted, would it confer upon the applicant any special privilege that is denied to other properties in the immediate neighborhood in terms of the established development pattern?

No special privileges would be conferred if the variance is granted. All homeowners are afforded the same opportunity to request a variance from the City based upon their individual circumstances, and many such variances have previously been approved by KCB for similarly situated properties.

Applicant Questions and Responses-

Office Use Only

Comments and Recommendation of the Building Official



Sec. 101-26. - Accessory structures and uses.

- (1) *Antennas.* No satellite antenna larger than 24 inches in diameter may be installed in the front lot or attached to the front of any building.

- (2) *Dockside shelters.*

Maximum setback from water: 3 feet on canals and minimum 20 feet on Vaca Cut and 100 feet on the ocean.

Minimum side property line setback: 5 feet.

Maximum floor area: 80 square feet with maximum roof overhang of 18 inches.

Maximum height: 8 feet.

Such shelters shall not be located on docks.

- (3) *Dock boxes and fish-cleaning stations.* Dock boxes and fish-cleaning stations shall meet same setback requirements as dockside shelters.

Dock boxes shall be no larger than 3 feet wide by 3 feet high by 6 feet long.

Fish-cleaning stations shall be no larger than 30 inches by 60 inches, with or without an enclosed base.

- (4) *Flag poles.* May be located within any setback but shall not exceed 30 feet in height.

- (5) *Garages and tool sheds.* In the R-1 and R-2 districts, all garages, carports, tool sheds (except dock boxes and fish-cleaning stations) and structures determined to be similar in use by the city commission upon the recommendation of the planning and zoning committee must share a common wall or roof element with the principal building.

- (6) *Home occupation.* See [section 101-34](#).

- (7) *Household pets.* As defined in article II.

- (8) *Lighting, outside.* Spot or flood lights installed on any lot or building shall not be directed toward any other residence next to or across the streets or canals where the glare adversely affects inhabitants nearby. Such lighting must be directed downward or be shielded to prevent glare projecting off the property.

- (9) *Ocean frontage.* In the R-3 district with ocean frontage and in the RH district, no

accessory structure is permitted in the side yard.

(10) *Accessory structures within the shoreline setback (including pools).* Except for pile supported structures, utility pilings, fences, boat ramps, docks, and walkways limited to 4 feet in width, no new development may occur within 20 feet of mean high water on Vaca Cut, within 100 feet of mean high water (MHW) on the ocean. The total combined area of accessory structures within the shoreline setback may occupy 30 per cent of the principal shoreline setback on Vaca Cut excluding the first 20 feet from MHW, and 60 per cent of the principal shoreline setback along manmade canals including the first 10 feet from MHW except for pools and spas.

(11) *Swimming pools, spas, hot tubs.*

(a) Setbacks:

10 feet from side and rear lot lines and (MHW) on canals and 10 feet from sides and rear lot lines on dry lots;

25 feet from front lot line in all districts;

15 feet from side lot line in R-3 and RH districts;

100 feet from Ocean (MHW);

20 feet from MHW on Vaca Cut.

(b) [Pools, spas, and hot tubs:] Above grade pools are not permitted in any district. Prefabricated portable wading pools not over 18 inches in height above grade are permitted. Portable, plug in type spas or hot tubs no larger than 8'0" x 8'0" x 3'0" in height above grade are permitted when in compliance with the following:

1. Setbacks must comply with section 101-26(11)(a).
2. All controls, water heating and water circulating equipment are an integral part of the product and must be cord-connected to GFI outlet (no hard or permanent plumbing or electrical connections are permitted).
3. Must comply with SBCCI Standard Swimming Pool Code 1999 Edition (in particular Section 315, Protective Enclosure).
- 4.

66 7th St.

pool construction

Email from Glenda Cantrell: pool construction

GC

Glenda Cantrell

<cbgccb@sbcglobal.net>

2/20/2019 12:48 PM

To Pat Day

ReplyForwardDeleteActions

Pat,

This will confirm that I am a neighbor living at 66 7th Street. We have discussed your construction of a pool at your residence. I am in support of this construction. I believe that it will add to the beauty of the neighborhood. There are several pools on our street that enhance the desirability of the real estate and hence a potential increase in property values. In addition, I understand that as we age we need exercise that is less weight bearing, which is possible in a pool.

See you on the boardwalk,

Glenda Cantrell and Chris Bauer

918-384-9757

70 7th St.

RE: Pool Email

**Email from Don and Monica
Larsson: Pool Email**

DL

Don and Monica Larsson
<don123monica@cox.net>
2/21/2019 2:15 PM

To Pat Day

ReplyForwardDeleteActions

Pat and Mike,
We have reviewed your pool sketch and have no problems with it. We understand the fence is planned to run along your side of the existing walkway from your house to the boardwalk allowing both of us access to the walkway and the shed.

Good luck with everything,
Monica and Don

From: Chad ORourke
charamanagementgroup@gmail.com
Subject: Pool Variance
Date: May 20, 2020 at 9:35:46 AM
To: patday3@comcast.net

To Whom It May Concern,

Myself and my husband, Chad O'Rourke, are the owners of 68 7th street. We are immediate neighbors with Mr. and Mrs. Day.

I'm writing in regards to the Day's request for a pool variance. We have discussed at length with them about their interest in putting a pool in on their property. We fully support them in wanting to do so. We do believe it will increase the value to our end of 7th St. Surely it doesn't go unnoticed that some of the properties on our street are not well kept by owners. We do not want to fall into that category. It's nice to have owners that want to continuously improve their property. If you have any questions or concerns on this matter, please do not hesitate to reach out.

Best,

Kara Fabry

Manager/Owner

(413) 522-7671

The Spoke - Amherst, MA

CMG- Chara Management Group-Sunderland, MA

72 7th St.

Inground pool

Email from Jane Byland: Inground pool

JB

Jane Byland
<nannybyland@me.com>
2/21/2019 5:40 PM

To Pat Day

ReplyForwardDeleteActions

Congrats on pursuing a pool. Love the plan. Go for it. Janie

Sent from my iPhone

Becky Todd

From: Jane Byland <nannybyland@me.com>
Sent: Friday, September 4, 2020 9:20 PM
To: Becky Todd
Cc: Pat Day; Mike Day
Subject: Pat and Mike Day's variance request

Dear Becky,

Please put Jim and me on the record as supporting Pat and Mike Day in their quest for a variance in regards to putting a pool in their yard canalside.

Thank you for directing our correspondence to the city commission as we will be traveling and away from KCB at the date of the hearing on September 16, 2020.

Kindest regards,
Janie Byland
72 7th St.
(573)480-3980

Sent from my iPhone

Becky Todd

From: Lisa Cahir <lisacahir1133@gmail.com>
Sent: Monday, September 7, 2020 3:53 PM
To: Becky Todd
Subject: Variance for pool at 69 7 ST

To the City Commission of Key Colony Beach,

We received notice that the property at 69 7 St. , Property owner Day, is asking for a variance to put in a pool. We are not able to attend the zoom meeting, but would like to express that we are in agreement with letting our neighbor have the variance for their new pool.

Thank you, Lisa and Brian Cahir
65 7 ST

City of Key Colony Beach

P.O. Box 510141, Key Colony Beach, FL 33051-0141 • Phone: 305-289-1212
Fax: 305-289-0247
www.keycolonybeach.net



November 2, 2020

To: City Commission

From: Planning & Zoning Board

Re: Variance Request – 38 Sadowski Causeway (Owner: Albert Priest)

The Planning & Zoning Board heard the applicants request for a variance to Land Development Regulations Chapter 101, Section 50 to convert an existing parking space to a house addition on October 21, 2020 Regular Public Hearing.

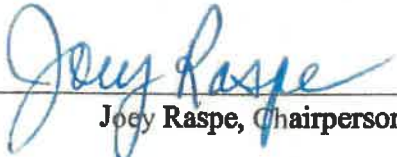
Post Hearing Questions Results:

- 1) 4/4 in favor.
- 2) (2) Yes: Joey Raspe and Gary Furtak.
(2) No: Kathryn McCullough and Trudy Troiano.
- 3) 4/4 in favor.
- 4) 4/4 in favor.
- 5) 4/4 in favor.

MOTION: Motion made by Gary Furtak, seconded by Kathryn McCullough to approve the variance request of 38 Sadowski Causeway.

ON THE MOTION: Roll Call Vote. Unanimous Approval.

Final Recommendation: The Planning & Zoning Board recommends the approval of the variance request at 38 Sadowski Causeway.


Joey Raspe, Chairperson

CITY OF KEY COLONY BEACH
P.O. BOX 510141
KEY COLONY BEACH, FL 33051-0141
305-289-1212 FAX: 305-289-1767

APPLICATION FOR VARIANCE

APPLICANT: ALBERT PINEST 321-848-3045
Property Owner Name Phone Number

38 SADDLE SKI CWSW
Street Address of Variance Lot Block Subdivision

3139 LOST LIFEGUARD CT MERITT ISLAND FL
Mailing Address of Property Owner 32952

Owners may have an agent complete this application and represent them at the hearings. In this case, owners must attach to this application a written, signed statement stating the name of the individual or business that may represent them in this matter.

CARLOS DAVAJOS CDB BUILDER
Agent Name Agent Phone Number

VARIANCE REQUESTED to: Land Development Regulations Chapter _____, Section _____
Code of Ordinances Chapter _____, Section _____

DESCRIPTION OF VARIANCE: Please describe the variance request in regard to type of structure, location on lot, distance from side, rear or front lot lines, or details of the variance, including the current rule in effect and the reason for the variance (for example, building would encroach into the setback by 0 feet). Also state if this is for future construction or existing conditions.

ADDITION IS LOCATED WITHIN ALL PREVIOUS FOOT PRINT
NOTHING ADDED OUTSIDE ORIGINAL BUILT FOOT PRINT, ADDITIONAL
PARKING REQUIREMENT WILL STILL BE MET PER 101-50
(1) (2) (4) (9)

ACTUAL PARKING SPACE IS 18 X 31' BEHIND LINES

Please attach the following to this application:

- A sketch or site plan of the property showing the variance requested.
- Written responses to the five criteria (questions attached).
- Fee of \$700.00

Signature of Applicant Albert Pinest

Office Use Only

Date Filed _____ Date Paid _____ Check # _____

Variance granted / denied on (date) _____

Signature of City Official _____

Applicant Questions and Responses-

Summarizing Land Development Code 101-171 (5)(a): Variances shall be approved only if the applicant can demonstrate a good and sufficient cause, that denial would result in unnecessary hardship, it will not be contrary to the public interest, that special conditions exist, and that it will not confer any special privilege on the applicant. Please see the attached pages for the entire city codes relating to Variances.

To assist the Planning & Zoning Committee and City Commission in evaluating this variance request, please answer the following questions:

1. What is the "good and sufficient cause" that explains why this variance should be granted?

ALMOST ALL OTHER SET BACK UNITS HAVE CLOSED IN CARPORT AREAS IN ICCB
2. What are the unnecessary hardships that would result if the variance is not granted?

THE MIDDLE STRUCTURAL DIVIDER IS UNSTABLE AND COULD CAUSE STRUCTURAL FAILURE. ALSO WILL BE MORE AESTHETICALLY PLEASANT TO PEOPLE DRIVING BY NOT LOOKING AT THE CARPORT.
3. If this variance is granted, would there be any increase to public expense that would not otherwise occur? Would it create a threat to public health and safety? Would it create a nuisance? Or cause fraud or victimization of the public?

NO, NO, NO, NO
4. What are the unique or peculiar physical/geographical circumstances or conditions that apply to this property, but do not apply to other properties in the same zoning district?

THIS UNIT IS SET BACK AND HAS ADEQUATE PARKING SPACE IN ACCORDANCE WITH ORD ARTICLE V. PARKING SEE 101-50 (1) & (9) WILL BE MET / SIMILAR TO ZONING LINES EASILY (15' 3")
5. If the variance is granted, would it confer upon the applicant any special privilege that is denied to other properties in the immediate neighborhood in terms of the established development pattern?

NO IF NOT APPROVED IT WOULD BE THE EXPOSURE MOST EVERY OTHER DUPLEX HAS CARPORT ENCLOSED. WOULD NOT BE FAIR. THERE IS PLENTY OF PARKING AREA SINCE BUILDING SETS BACK TOWARD THE WATER

Office Use Only

Comments and Recommendation of the Building Official

Sec. 101-50. - General requirements.

Offstreet vehicular parking in conjunction with the requirements for all land or building uses shall be provided in accordance with the provisions of this chapter prior to the issuance of a certificate of occupancy.

- (1) **Usage of spaces.** The required offstreet parking area shall be for occupants, employees, visitors, and patrons and shall be limited in use to passenger vehicles not exceeding a net weight of three (3) tons. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited in the required parking area. See section 101-55 for provisions governing recreational and commercial vehicles.
- (2) **Building addition.** Whenever a nonresidential building or use requiring offstreet parking is increased in floor area, the minimum number of parking spaces required shall be based upon the entire building or use, including the addition.
- (3) **Parking location.** Residential offstreet parking spaces shall consist of a parking lot (in the case of multifamily), driveway, carport, garage, or combination thereof, and shall be located on the premises they are intended to serve. All required nonresidential parking spaces shall also be located on premises.
- (4) **Common parking area.** Two (2) or more buildings or uses may collectively provide the required offstreet parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for each individual use, computed separately. For building or land containing more than one use, the total parking requirement shall be determined to be the sum of the requirements for each use.
- (5) **Shared parking.** In cases of dual functioning of offstreet parking where operating hours do not overlap, the city commission may grant a modification of these requirements at site plan approval.
- (6) **Lighting.** Where lighting facilities are provided, they shall be so arranged as to reflect the light away from the adjacent residential districts.
- (7) **Accessible parking.** All parking lots shall meet the requirements of federal and state statute and regulations relative to accessible parking.
- (8) **Pedestrian flow.** The parking lot design and landscaping shall assure safe and

convenient pedestrian flow.

- (9) **Causeway parking.** Upon new construction or substantial improvement of existing structures, no parking shall be allowed in the rights-of-way along Sadowski Causeway and parking must meet current parking regulations. Further, in the R-2C district there shall be no boat trailers, utility trailers, recreational vehicles, campers or other than private passenger vehicles outside of the footprint of the house.

(Ord. No. 299-1995, 12-28-95; Ord. No. 349-2002, 1-9-03)

Sec. 101-53. - Parking lot design.

The following minimum design standards shall apply to all required parking lots; see also figure 1:

- (1) *Parking space size.*
9 feet by 18 feet.
- (2) *Alternative aisle and space row widths.*
 - (a) 90 degree pattern:
60 feet wide for 2 tiers; 20 foot aisle for two-way traffic.
 - (b) 60 degree pattern:
52 feet wide for 2 tiers; 16 foot aisle for one-way traffic.
 - (c) 45 degree pattern:
50 feet wide for 2 tiers; 15 foot aisle for one-way traffic.

(Ord. No. 299-1995, 12-28-95)

Sec. 101-54. - Offstreet loading.

(1) *In general.* On the same premises with every commercial structure, there shall be provided and maintained one adequate space for loading and unloading.

(2) *Space design.* 10 feet by 40 feet.

(Ord. No. 299-1995, 12-28-95)





Overview



Legend

- Centerline
- Easements
- Hooks
- Lot Lines
- Road Center
- Rights of Way
- Shoreline
- Condo Building
- Key Names
- Subdivisions
- Parcels

Parcel ID	00079450-000000	Alternate ID	1086584	Owner Address	EQUITY TRUST CUSTODIAN FBO ALBERT PRIEST IRA 3139 Lost Lagoon Ct Merritt Island, FL 32952
Sec/Twp/Rng	05/66/33	Class	SINGLE FAMILY RESID		
Property Address	38 SADOWSKI Cswy KEY COLONY BEACH				

District 50KC
Brief Tax MARINA SUBD PLAT NO 2 SHELTER KEY N1/2 LOT 6 & ADJ FILL BAY BTM PB4-53 OR142-536 OR143-391 OR239-305 OR392-372
Description OR392-374 OR412-829 OR412-830 OR435-207 OR435-210 OR444-360 OR444-361 OR600-561/64 OR625-378/79 OR1140-1251/52
 OR2414-2045/46 OR2871-2076/77C OR2871-2081/82

(Note: Not to be used on legal documents)

Date created: 10/16/2020
 Last Data Uploaded: 10/16/2020 9:54:38 AM

Developed by Schneider
 GEOSPATIAL

Becky Todd

From: Gregory Lindeberg <gregandcady@gmail.com>
Sent: Thursday, October 29, 2020 8:56 PM
To: Becky Todd
Subject: Variance request for 38 Sadowski Causeway

My wife and I live at 39 Sadowski Causeway. We are neighbors to 38 Sadowski Causeway.

We not only hope that approval is given for the variance, we recommend the variance. We think that the construction will add to the neighborhood.

Greg and Cady Lindeberg
39 Sadowski Causeway
Key Colony Beach FL 33051

Becky Todd

From: Bob Lewis <bclewis829@icloud.com>
Sent: Friday, August 21, 2020 8:10 PM
To: Becky Todd
Subject: Variance 38 Sadowski

Becky, please place on record that I support the variance request / house addition at 38 Sadowski Robert Lewis

City of Key Colony Beach

P.O. Box 510141, Key Colony Beach, FL 33051-0141 • Phone: 305-289-1212
Fax: 305-289-0247
www.keycolonybeach.net



November 2, 2020

To: City Commission

From: Planning & Zoning Board

Re: Variance Request – 101 East Ocean Drive – SeaPointe Condominium

The Planning & Zoning Board heard the applicants request for a setback variance to Land Development Regulations Chapter 101, Section 15 for a installation of sheet pile retaining wall, pile cap, and stairs to the beach on September 16, 2020 Regular Public Hearing.

Post Hearing Questions Results:

- 1) 5/5 in favor.
- 2) 5/5 in favor.
- 3) 5/5 in favor.
- 4) 5/5 in favor.
- 5) 5/5 in favor.

MOTION: Motion made by Gary Furtak, seconded by George Lancaster to approve the variance request of 101 East Ocean Drive.

ON THE MOTION: Roll Call Vote. Unanimous approval.

Final Recommendation: The Planning & Zoning Board recommends the approval of the setback variance at 101 East Ocean Drive.


Joe Raspe, Chairperson

CITY OF KEY COLONY BEACH
P.O. BOX 510141
KEY COLONY BEACH, FL 33051-0141
305-289-1212 FAX: 305-289-1767

APPLICATION FOR VARIANCE

APPLICANT: SEAPOINTE CONDOMINIUM

Property Owner Name

Phone Number

101 East Ocean Drive 1&1A, Block 6, Key Colony Beach

Street Address of Variance

Lot Block Subdivision

5800 Overseas Highway, Suite 17, Marathon, FL 33050

Mailing Address of Property Owner

Owners may have an agent complete this application and represent them at the hearings. In this case, owners must attach to this application a written, signed statement stating the name of the individual or business that may represent them in this matter.

Mark Tipsord (mataia@juno.com)

305-748-7451

Agent Name

Agent Phone Number

VARIANCE REQUESTED to: Land Development Regulations Chapter 101, Section 101-15
Code of Ordinances Chapter R3, Section 6

DESCRIPTION OF VARIANCE: Please describe the variance request in regard to type of structure, location on lot, distance from side, rear or front lot lines, or details of the variance, including the current rule in effect and the reason for the variance (for example, building would encroach into the setback by _____ feet). Also state if this is for future construction or existing conditions.

Please see attached continuation document

Please attach the following to this application:

- A sketch or site plan of the property showing the variance requested.
- Written responses to the five criteria (questions attached).
- Fee of \$700.00

Signature of Applicant _____

Office Use Only

Date Filed _____

Date Paid _____

Check # _____

Variance granted / denied on (date) _____

Signature of City Official

Applicant Questions and Responses-

Summarizing Land Development Code 101-171 (5)(a): Variances shall be approved only if the applicant can demonstrate a good and sufficient cause, that denial would result in unnecessary hardship, it will not be contrary to the public interest, that special conditions exist, and that it will not confer any special privilege on the applicant. Please see the attached pages for the entire city codes relating to Variances.

To assist the Planning & Zoning Committee and City Commission in evaluating this variance request, please answer the following questions:

1. What is the "good and sufficient cause" that explains why this variance should be granted?

2. What are the unnecessary hardships that would result if the variance is not granted?

3. If this variance is granted, would there be any increase to public expense that would not otherwise occur? Would it create a threat to public health and safety? Would it create a nuisance? Or cause fraud or victimization of the public?

4. What are the unique or peculiar physical/geographical circumstances or conditions that apply to this property, but do not apply to other properties in the same zoning district?

5. If the variance is granted, would it confer upon the applicant any special privilege that is denied to other properties in the immediate neighborhood in terms of the established development pattern?

Office Use Only

Comments and Recommendation of the Building Official

Key Colony Beach Variance Application Continuation Page

The applicant respectfully requests a variance to the 100 ft Ocean (Mean High Water Line) setback to install approximately 135 lineal feet of vinyl seawall and two sets of stairs all landward of the Mean High Water Line. This emergency work is necessary to prevent further undermining of the existing foundations, parking lot and stairs as well as provide beach access. The new seawall is proposed to be located 16.5 to 3 feet landward of the current Mean High Water Line and 70 to 111 feet landward of the property line.

1. Exceptional circumstances from damage caused by Hurricane Irma exist which are leading to shoreline deterioration from wave action and boat traffic. Hurricane Irma caused loss of the beach area both landward and seaward of the current mean high water line and extensive damage to Seapointe Condominiums building as shown in the attached photographs. The loss of the beach area is causing undermining of underbuilding parking, the pool sanitation equipment, plumbing, stairs and damage to the building foundations. Additionally, the location of the adjacent navigation channels is causing further erosion. The current undermining of building is shown in the photographs attached and Attachment E (Historic Mean High Water Line Sketch), illustrating the historic shoreline movement at Seapointe Condominiums.
2. The resulting hardship will cause loss of safe access to the beach and areas of the building. The building areas included are the underbuilding parking, the pool sanitation equipment and plumbing, the stairs and damage to the building foundations.
3. Granting the variance to the 100' Ocean setback will not increase public expense, threaten public health and safety, create a nuisance or cause a fraud or victimization of the public. This variance will better the City of Key Colony Beach by allowing the maintenance of one of the City's defining structures and act to maintain the Key Colony Channel and provide safe shoreline access.
4. Circumstances peculiar to the Seapointe Condominium is its location immediately west of the Key Colony Channel. This location is affected by frequent commercial and recreational boat traffic which is contributing to shoreline erosion and the undermining of the building. Another contributing factor is the placement of rock jetties at the east and west lot lines. The placement of these jetties contributed to extensive damage during Hurricane Irma and further exacerbates the ongoing erosion along the City of Key Colony Beach shoreline.
5. Granting this variance to the 100' Ocean (Mean High Water Line) setback confers no special privilege to Seapointe Condominiums. Further, the installation of the seawall and stairs is intended to form the basis for a beach replacement project being contemplated at this time. This project contributes to keeping the beach in the City of Key Colony Beach.
6. Attachments:
 - a. Photographs showing exceptional Hurricane Irma Damage,
 - b. Photographs showing existing conditions,
 - c. Florida Department of Environmental Protection Permit Application
 - d. Florida Department of Environmental Permit Application Comments
 - e. Historic MHWL Sketch

Sec. 101-15. - R-3 Multiunit residence district.

- (1) *Intent.* This district is intended to accommodate the full range of residential uses and related amenities. It conforms with the multifamily residential category of the comprehensive plan and therefore the density shall not exceed 8 units per acre.
- (2) *Permitted uses.*
 - One unit detached dwelling.
 - Two unit dwelling.
 - Multiunit dwelling.
 - Beach club. (See definition of beach club for restrictions.)
 - Community residential home as defined in article II.
- (3) *Accessory structures and uses.* See section 101-26 for detailed regulations.
 - Dockside shelter and related uses.
 - Private boat dock or pier.
 - Private garage.
 - Swimming pool.
 - Tennis court.
 - Home occupation as defined in section 101-34;
 - Family day care home as defined in article II;
 - Utility use, minor.
 - Yard adornments.
- (4) *Lot area and width.*
 - Minimum lot area of 20,000 square feet.
 - Minimum lot width of 75 feet.
- (5) *Density.* Not more than 8 units per acre.
- (6) *Setbacks.*

Front yard minimum of 50 feet, except tennis courts and swimming pools which may be set back 25 feet.

Side yard minimum of 15 feet on each side, except 25 feet from street line on corner lots, and at least 10 per cent of total width for combined lots, up to a maximum of 30 feet on each side; no fence, gate, wall or hedge over 4 feet in height, or any accessory structure is permitted within the minimum required side yard.

Rear yard minimum of 20 feet.

Ocean: 100 feet from mean high water line.

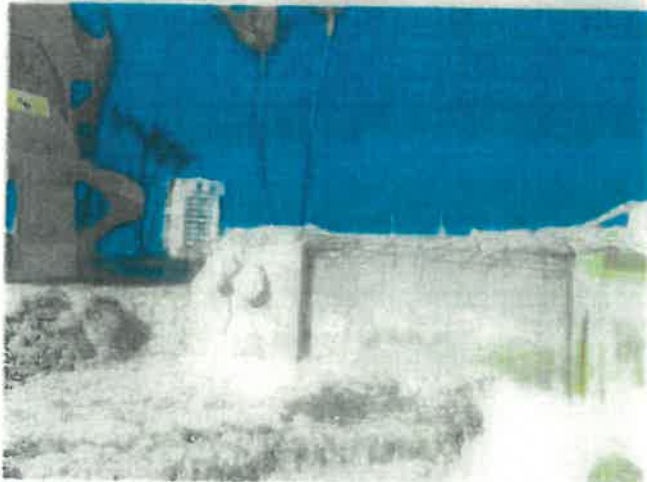
- (7) *Floor area.* Minimum habitable building area of 900 square feet per dwelling unit.
 - (8) *Building coverage.* Maximum of 33 per cent of lot area.
 - (9) *Pervious area.* Minimum of 20 per cent.
 - (10) *Height.* Maximum of 3 stories, but in no case more than 35 feet.
 - (11) *Site plan.* A site plan is required for all development other than one or two family dwellings; see article XII.
 - (12) *Special regulations.* See sections governing parking, landscaping and signs.
- (Ord. No. 299-1995, 12-28-95; Ord. No. 316-1998, 8-13-98; Ord. No. 346-2002, 11-4-02)

Seapointe Condominium Hurricane Irma Damage Photographs



Seapointe shoreline following Hurricane Irma.

Note sand placed to stem undermining



Seapointe structure following Hurricane Irma.

Note painted column indicating loss of soil around building



Seapointe shoreline following Hurricane Irma.

Note sand placed to stem undermining & stair landing heights



Seapointe structure following Hurricane Irma.

Note shoreline beyond



Seapointe structure following Hurricane Irma.

Note structural damage



Seapointe shoreline following Hurricane Irma.

Note line of paint indicating loss of beach shoreline and displaced stone rip rap

Seapointe Condominium Photographs 7-2-20



Looking East
Note erosion



Looking West
Note undermining



Looking East
Note erosion



Looking East
Note undermining

Seapointe Condominium FDEP Seawall Permit Application



**APPLICATION FOR A PERMIT FOR CONSTRUCTION
SEAWARD OF THE CCCL OR 50-FOOT SETBACK**
(Application processed pursuant to Rule 62B-33.008, F.A.C.)

Owner of Record		Agent (if applicable)	
Typed or Printed Name: Seapointe Condominium		Typed or Printed Name and Company: Richard J. Milelli, Meridian Engineering LLC	
Mailing Address: 100 East Ocean Drive		Mailing Address: 201 Front Street, Suite 203	
City/State/Zip Code: Key Colony Beach/FL/33051		City/State/Zip Code: Key West/FL/33040	
Telephone (include area code):	Fax (include area code):	Telephone (include area code): 305-293-3263	Fax (include area code):
E-mail Address:		E-mail Address: rmilelli@meflkeys.com	

2. I hereby certify that all information submitted with this application is true and complete to the best of my knowledge.

		Richard J. Milelli
Signature of Owner or Agent	Date	Typed or Printed Name of Owner or Agent (include title of officer and name of corporation or other business entity, if applicable)

3. If the applicant is not the owner of record, the owner must sign below to authorize the applicant to act as the owner's agent for the purpose of applying for a permit.

I hereby authorize the above named agent to make application for a permit for construction or other activities seaward of the coastal construction control line or 50-foot setback on the property (described in item 4, below).

	4/11/2020	David N Folk, President, Seapointe Condominium Association
Signature of Owner	Date	Typed or Printed Name of Owner (include title of officer and name of corporation or other business entity, if applicable)

4. A brief description of the proposed work, activity, or construction.

Check here if additional information is attached. Check here if Modification Request is attached.

Installation of sheetpile retaining wall, pile cap, and stairs to access beach. All work to take place above the mean high water level.

Project Name (for multi-family, commercial, or public projects): Seapointe Condominium Retaining Wall Project		Nearest DEP Reference Monuments (if known):
Street Address: 101 East Ocean Drive	County: Monroe	City/Zip Code: Key Colony Beach / 33051

ALL APPLICANTS ARE REQUIRED TO SUBMIT THE FOLLOWING ITEMS:		Attached or Included	Waiver Requested
5.	A fee as set forth in Rule 62B-33.0085, F.A.C. (see the form entitled "Permit Fee Worksheet for DEP 73-100").	<input type="checkbox"/>	
6.	Sufficient evidence of ownership and legal description of the property [paragraph 62B-33.008(1)(b), F.A.C.].	<input type="checkbox"/>	
7.	Written evidence, provided by the appropriate local governmental agency having jurisdiction over the activity, that the proposed activity, as submitted to the Department, does not contravene local setback requirements or zoning codes [paragraph 62B-33.008(1)(c), F.A.C.].	<input type="checkbox"/>	
8.	A signed and sealed survey of the subject property. The information depicted on the drawings shall be from field survey work performed not more than six months prior to the date of the application. The survey shall comply with the requirements given in Rule 62B-33.0081, F.A.C. [paragraph 62B-33.008(1)(e), F.A.C.].	<input type="checkbox"/>	<input type="checkbox"/>
9.	For structures with proposed permanent exterior lighting, a dimensioned lighting plan drawn to an appropriate scale [paragraph 62B-33.008(1)(f), F.A.C.].	<input type="checkbox"/>	<input type="checkbox"/>
10.	A dimensioned site plan signed and sealed by a registered professional [paragraph 62B-33.008(1)(h), F.A.C.].	<input type="checkbox"/>	<input type="checkbox"/>
11.	A grading plan signed and sealed by a registered professional [paragraph 62B-33.008(1)(i), F.A.C.]. For multi-family dwellings and commercial structures only, geotechnical data [paragraph 62B-33.008(1)(j)4., F.A.C.].	<input type="checkbox"/>	<input type="checkbox"/>
12.	Cross-sections signed and sealed by a registered professional [paragraph 62B-33.008(1)(j), F.A.C.].	<input type="checkbox"/>	<input type="checkbox"/>
13.	Details, including engineering design computations, for any proposed waste discharge onto, over, under, or across the beach and dune system, including but not limited to storm water runoff, swimming pool drainage, well discharge, domestic water systems, and outfalls [paragraph 62B-33.008(1)(l), F.A.C.].	<input type="checkbox"/>	<input type="checkbox"/>
14.	An anticipated construction schedule [paragraph 62B-33.008(1)(m), F.A.C.].	<input type="checkbox"/>	<input type="checkbox"/>
15.	Detailed planting plans, including the location of proposed plants, existing native vegetation, and plants to be removed. Plans shall include a plant list with both scientific and common names [paragraph 62B-33.008(1)(n) and (o), F.A.C.].	<input type="checkbox"/>	<input type="checkbox"/>
APPLICANTS APPLYING TO CONSTRUCT MAJOR STRUCTURES OR RIGID COASTAL STRUCTURES ARE REQUIRED TO SUBMIT THE FOLLOWING ADDITIONAL ITEMS (SEE RULE 62B-33.002, F.A.C.):			
16.	For major habitable multifamily dwelling structures, detailed final foundation plans and specifications [paragraph 62B-33.008(1)(g), F.A.C.].	<input type="checkbox"/>	<input type="checkbox"/>
17.	For rigid coastal structures, a site plan and detailed final construction plans and specifications for all proposed structures or excavation signed and sealed by an engineer licensed in the state of Florida [paragraph 62B-33.008(1)(k), F.A.C.].	<input type="checkbox"/>	<input type="checkbox"/>

APPLICATION FOR WAIVER			
(Pursuant to subsection 62B-33.008(4), F.A.C., the applicant may request a waiver of certain portions of the information specified in this application form)			
Application Item #	Reason for waiver	DEP Use Only	
		Approved	Denied



If room for additional application for waivers is needed, please attach an extra sheet to this application and include the applicant name and date on the additional sheet.

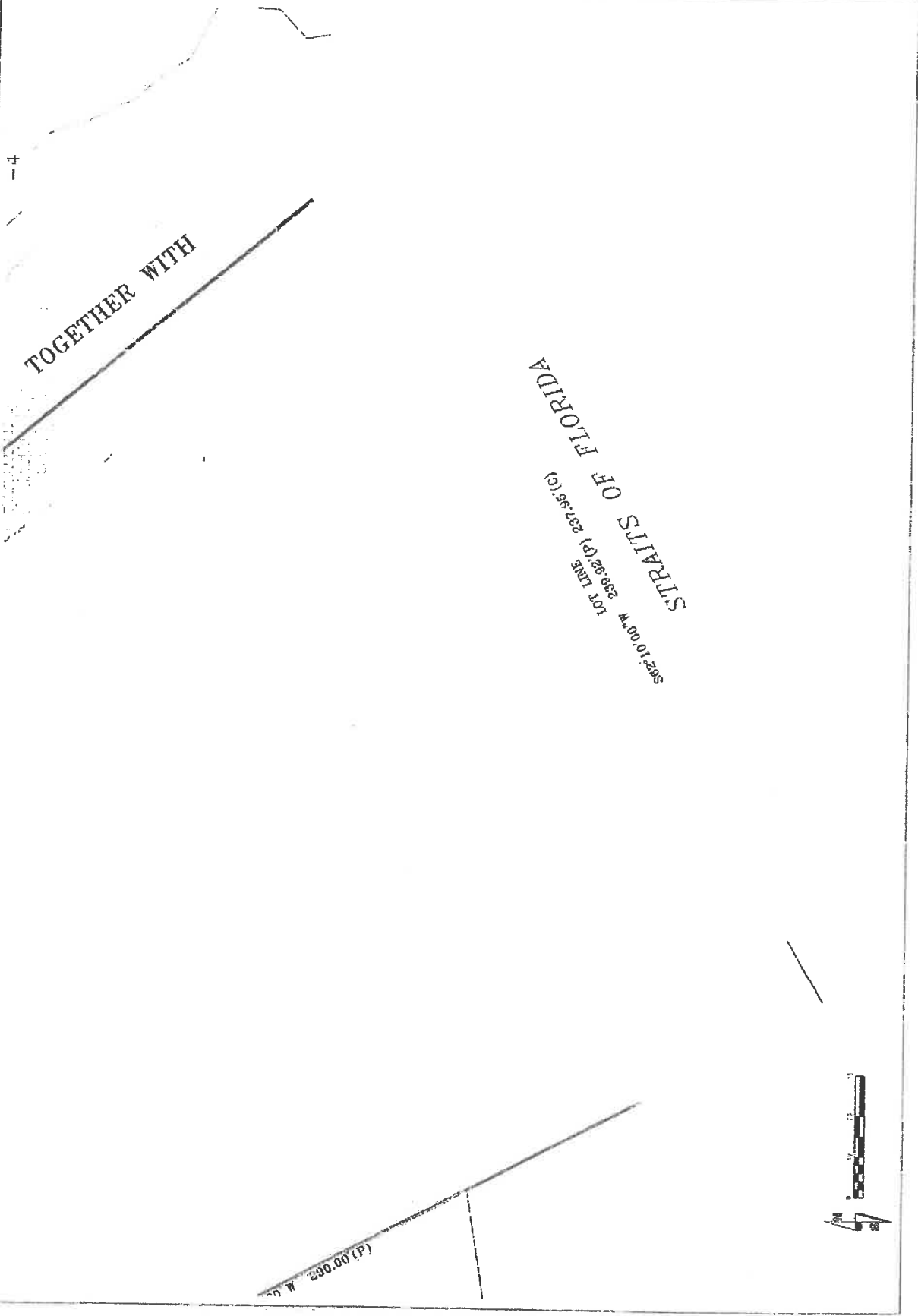
Email to: CCCL@dep.state.fl.us

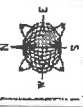
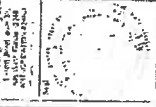

Mail to:
 Coastal Construction Control Line Program
 Division of Water Resource Management
 Florida Department of Environmental Protection
 2600 Blair Stone Road, Mail Station 3522
 Tallahassee, Florida 32399-2400

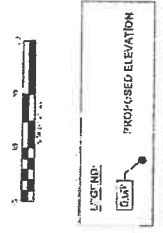
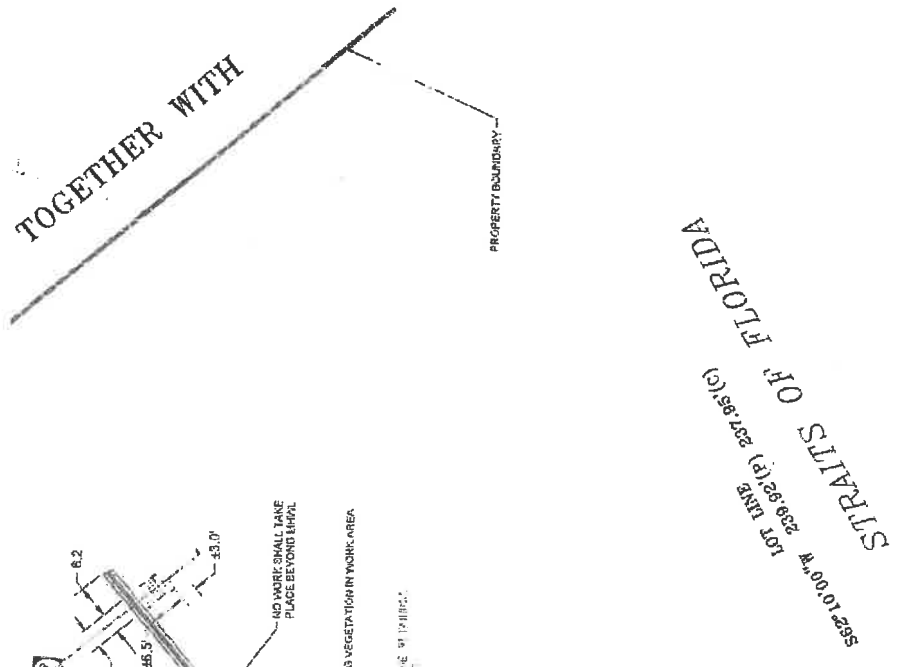
or


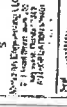
Overnight or Hand deliver to:
 Coastal Construction Control Line Program
 Division of Water Resource Management
 Florida Department of Environmental Protection
 2600 Blair Stone Road, Room 505-B
 Tallahassee, Florida 32399-2400

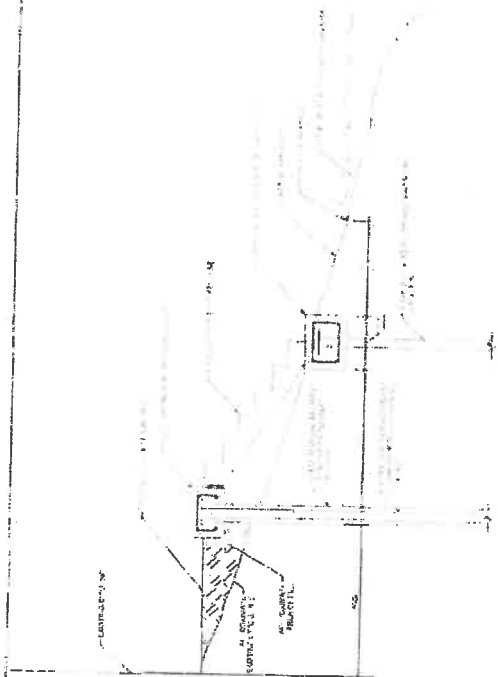
		PROFESSIONAL SEAL STATE OF FLORIDA REGISTERED PROFESSIONAL ENGINEER NO. 12345 EXPIRES 12/31/2024	PROJECT NO. 12345 SHEET NO. 1 OF 1	SEAPointe CONDOMINIUMS RETAINING WALL		COUNTY: ... DISTRICT: ... DATE: ...	EXISTING CONDITIONS C-10 DATE: MAY 11, 2023
				127 SOUTH BAYVIEW BLVD MIAMI BEACH, FLORIDA			



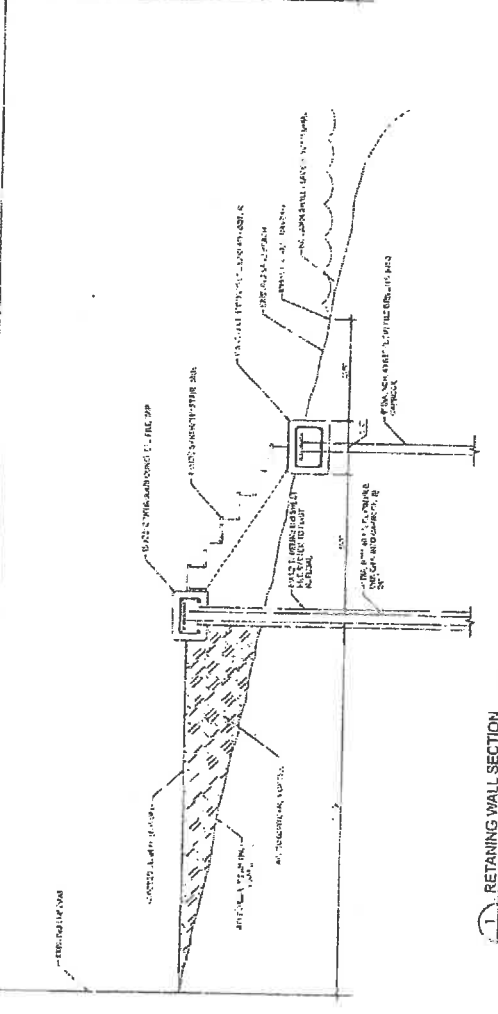
			SEAPORTE CONDOMINIUMS RETAINING WALL 14. FULTON STREET, CORNER 775 EAST 102ND STREET		Location Date Project No.
			DATE: 11/21/2013		Scale Drawing No.



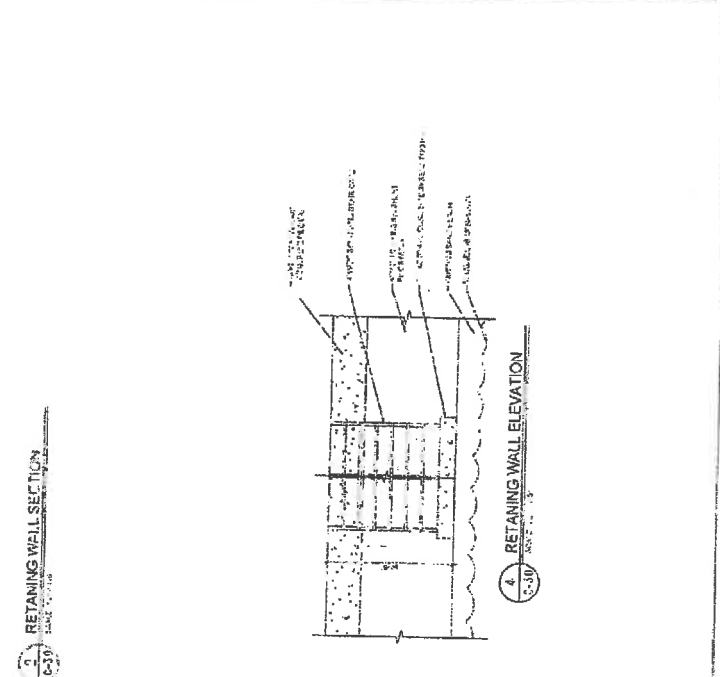
 1/4" = 1'-0"	 State of Florida	SEAPOINTE CONDOMINIUMS RETAINING WALL 155 EAST PALM AVENUE WEST PALM BEACH, FLORIDA	Date: 11/11/11 Drawn by: J. J. [unclear] Checked by: [unclear]
			Project No.: [unclear] Revision No.: [unclear]
PROPOSED SECTIONS C-30 Scale: 1/4" = 1'-0"			Date: 11/11/11



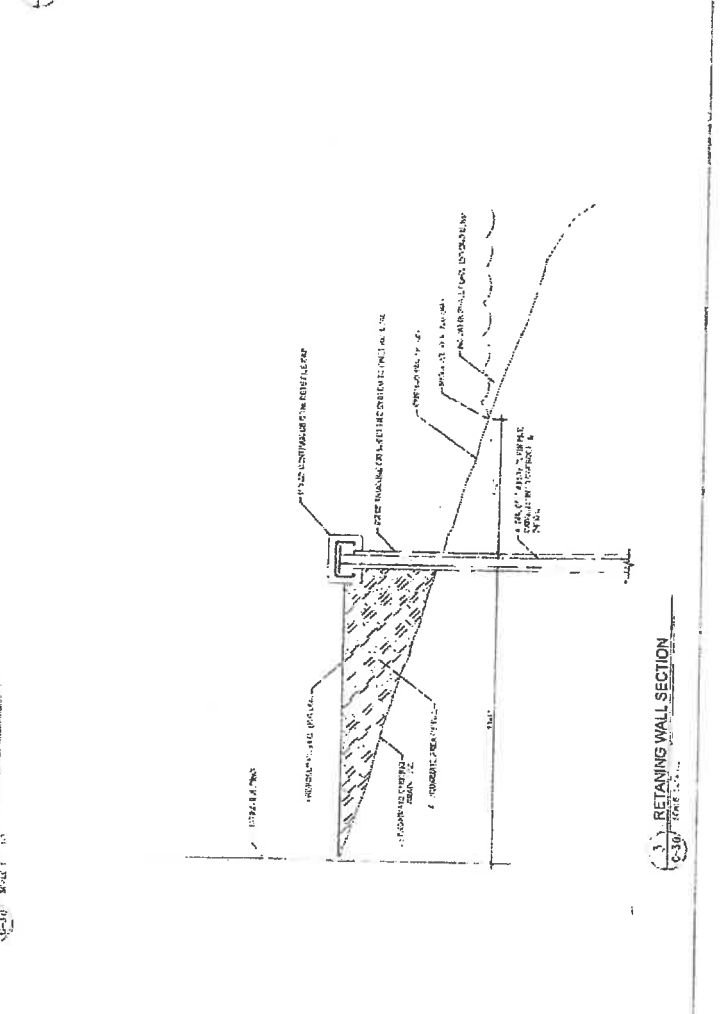
1 RETAINING WALL SECTION
SCALE: 1/4" = 1'-0"



2 RETAINING WALL SECTION
SCALE: 1/4" = 1'-0"

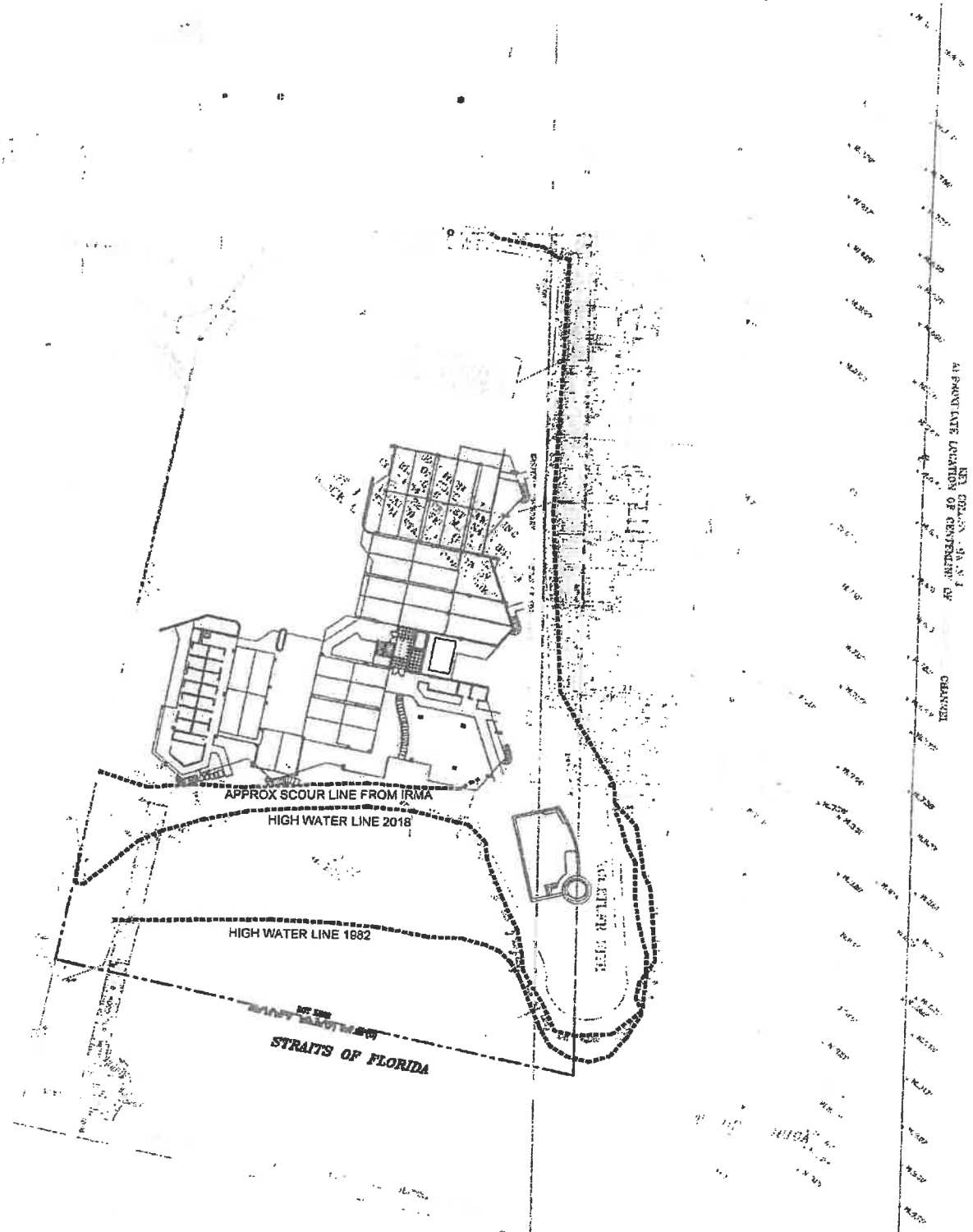


4 RETAINING WALL ELEVATION
SCALE: 1/4" = 1'-0"



3 RETAINING WALL SECTION
SCALE: 1/4" = 1'-0"

Seapointe Condominium Historic High Waterline Illustration



HISTORIC HIGH WATER LINE LOCATION SEAPOINTE CONDOMINIUM

KEY COLONY BEACH, FLORIDA 6-23-20