

MINUTES

KEY COLONY BEACH
PLANNING AND ZONING BOARD
Regular Meeting and Variance Hearing
Wednesday, January 20, 2021 9:30 a.m.
Marble Hall & Virtually via Zoom Conferencing

Call to Order, Pledge of Allegiance and Roll Call: The regular meeting of the Key Colony Beach Planning and Zoning Board was called to order by Chairperson Raspe at 9:31 a.m. followed by the Pledge of Allegiance.

Present: Joey Raspe, Trudy Troiano, Cheryl Boehm, Alternate Ron Anderson, and Alternate Steve DeCrow.

Also Present: City Attorney Dirk Smits, City Clerk Rebecca Todd, Executive Assistant Saara Staten, Building Official Roussin, and Building Inspector Lawton.

Excused: George Lancaster.

Public: 3 (Marble Hall) 4 (Virtual)

Swear in Board Members: City Clerk Todd read the Oath of Office to Joey Raspe, Cheryl Boehm, and Steve DeCrow.

Election of Officers: City Clerk Todd called for nominations for Chairperson of the Planning & Zoning Board. Trudy Troiano nominated Joey Raspe as Chairperson. The nomination was seconded by Ron Anderson. There being no other nominations, a vote was taken unanimously electing Joey Raspe as Chairperson. City Clerk Todd called for nominations for Vice-Chairperson. Joey Raspe nominated Trudy Troiano as Vice-Chairperson. The nomination was seconded by Ron Anderson. There being no other nominations, a vote was taken unanimously electing Trudy Troiano as Vice-Chairperson.

Approval of Minutes: November 18, 2020 Planning & Zoning meeting minutes.

MOTION: Motion made by Ron Anderson, seconded by Trudy Troiano to approve the November 18, 2020 Planning & Zoning meeting minutes.

ON THE MOTION: Roll Call Vote. Unanimously Approved.

Variance Requests

Swear in Witnesses to Testify: City Clerk Todd asked all persons giving testimony in the variance request to stand and raise their right hand. She asked all to swear the testimony they will give is the truth, the whole truth, and nothing but the truth. All replied I do.

Notice of Ex-Parte Communication: None.

421 8th Street – Yuna Leary: Applicant requests a variance to Land Development Regulations Chapter 101, Section 26 (11a) for a 5 foot side setback variance for a pool. Current setback is restricted to 10 feet.

Building Official Roussin stated the Building Department has no issues with this variance and recommended approval. Ms. Leary presented her variance request stating her request is to allow the pool to be distanced from the staircase to access the house. City Clerk Todd read correspondence from neighbors Rudolph & Carolyn Fuessel, owners of 390 9th St., stating they have no objection to the variance request Chairperson Raspe read the applicants responses on the variance application.

Post Hearing Questions for a variance to Land Development Regulations Chapter 101, Section 26(11a).

Question 1: Has the applicant shown good and sufficient cause to grant the variance? Joey Raspe – yes, Trudy Troiano – yes, Cheryl Boehm -yes, Alternate Steve DeCrow – yes, and Alternate Ron Anderson – yes.

Question 2: Will denial of the variance result in unnecessary hardship to the applicant? Joey Raspe – yes, Trudy Troiano – No, Cheryl Boehm -yes, Alternate Steve DeCrow – No, and Alternate Ron Anderson – yes.

Question 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? Joey Raspe – yes, Trudy Troiano – yes, Cheryl Boehm -yes, Alternate Steve DeCrow – yes, and Alternate Ron Anderson – yes.

Question 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? Joey Raspe – yes, Trudy Troiano – yes, Cheryl Boehm -yes, Alternate Steve DeCrow – yes, and Alternate Ron Anderson – yes.

Question 5: Granting this variance would not confer any special privileges in terms of established development in the immediate neighborhood? Joey Raspe – yes, Trudy Troiano – yes, Cheryl Boehm -yes, Alternate Steve DeCrow – yes, and Alternate Ron Anderson – yes.

MOTION: Motion made by Ron Anderson, seconded by Chairperson Raspe to approve the variance as requested for 421 8th Street.

ON THE MOTION: Roll Call Vote. Unanimous Approval.

Lot 11 Block 3 15th Circle – Crawl Key Development: Applicant requests a variance to Land Development Regulations Chapter 101, Section 10(5) for a 30 foot rear setback variance for a porch. Current setback is restricted to 50 feet.

Building Official Roussin stated the property has an unconventional shape as it is a bit oblong. The applicant is requesting a variance of 30 foot for the porch and house to be within 20 foot of Vaca Cut and the proposed tiki will be within the allotted setback. Building Official Roussin stated he does not have a recommendation either way but it is a nice lot and it will be good for it to be developed and he finds the variance request reasonable. Mr. Steve

Hurley of Cardno Civil Engineers and Land Planners presented the variance request as an authorized agent for the property. He stated he reviewed a lot of comprehensive plan and code development information on the property. It is an irregular shaped property unlike the typical property platted lots within any city. Properties on a cul de sac like this one tends to have irregularities. He stated he situated the structure on the property as far back but as far forward as possible because of the access needed for the drive to come in and have maneuverability for the vehicle. The request is only for the corner clip from a portion of the seawall but the majority of the seawall is riprap. It's the minimum amount of variance they are requesting for the structure, all other land development codes are met with this property, and there's no additional impacts to anyone in the surrounding area. His client, Mr. Steven Hotz, currently lives on 14th St. and his father lives on 12th St. which is a long irregular shape house on the cul de sac. The Hotz family have been residents of Key Colony Beach for a long time and build very nice structures and the proposed structure would be a very big amenity to the city. Ron Anderson questioned whether it would be a rental home to which Mr. Hurley stated the Hotz family would live there and sell their current home. Chairperson Joey Raspe noted the variance request application requests a 30 foot variance yet the drawings don't depict that. Mr. Hurley concurred the corner of the home will not encroach more than 20 feet into the 50' required setback. Chairperson Raspe inquired whether the house could be designed to conform to the 50' setback. Mr. Hurley responded it could be designed to fit but would be a very irregular shaped house and likely not compatible with the neighboring houses. Chairperson Raspe expressed concern with the variance due to the property being in the most highly visible area in town and with Vaca Cut coming through and storms his interest is to protect the homeowner in the long run. Mr. Hurley stated the house would fit within the required setbacks if it were a regular shaped lot and this is an example of why the variance process exists. From what he can design this is the minimum impact to the corner clip of that area. City Clerk Todd read correspondence from neighbor Gary Flanigan, Lot 7 Block 3 15th Circle, in support of this variance. Mr. Hurley advised his client sent personal letters to the area residents regarding the proposed project in addition to the notices the Clerk sent and received no feedback. Ron Anderson asked for confirmation that the owner is aware of the dangers of hurricanes and flooding, etc. and will build accordingly. Mr. Hurley confirmed the owner has lived in Key Colony Beach for a long time and is aware of the dangers. The house will be built to FEMA requirements several feet above natural ground. Chairperson Raspe read the applicant responses to the criteria questions on the variance application. The Board expressed concern with the large size home on the irregular shaped lot and encouraged the applicants to be creative in designing the proposed home.

Post Hearing Questions for a variance to Land Development Regulations Chapter 101, Section 10(5).

Question 1: Has the applicant shown good and sufficient cause to grant the variance? Joey Raspe – No, Trudy Troiano – No, Cheryl Boehm -yes, Alternate Steve DeCrow – yes, and Alternate Ron Anderson – yes.

Question 2: Will denial of the variance result in unnecessary hardship to the applicant? Joey Raspe – No, Trudy Troiano – No, Cheryl Boehm -No, Alternate Steve DeCrow – No, and Alternate Ron Anderson – No.

Question 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? Joey Raspe – yes, Trudy Troiano – yes, Cheryl Boehm -yes, Alternate Steve DeCrow – yes, and Alternate Ron Anderson – yes.

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Question 5: Granting this variance would not confer any special privileges in terms of established development in the immediate neighborhood? Joey Raspe – No, Trudy Troiano – No, Cheryl Boehm - No, Alternate Steve DeCrow – yes, and Alternate Ron Anderson – yes.

MOTION: Motion made by Chairperson Raspe, seconded by Ron Anderson to deny the variance as requested for Lot 11 Block 3 15th Circle.

ON THE MOTION: Roll Call Vote. Unanimous Approval.

Any Other Business: Trudy Troiano requested an update on Land Development Regulations changes. City Attorney Smits stated he will review and move forward to continue the process. Attorney Smits stated the entire City Code of Ordinances and LDR's need to be reviewed and updated and the requested LDR changes will have to be submitted to DEO for approval which can be timely.

Citizens Comments/Correspondence: None.

The meeting adjourned at 10:19 a.m.

Respectfully Submitted,



City Clerk Rebecca Todd