

MINUTES
PLANNING & ZONING BOARD
REGULAR MEETING AND PUBLIC HEARING

Wednesday, July 20, 2022 - 9:30 a.m.
Marble Hall & Virtually via Zoom Conferencing

1. Call to Order/Pledge of Allegiance/Roll Call: Chairperson Joey Raspe called the meeting to order at 9:30 a.m. in the morning followed by the Pledge of Allegiance and Roll Call.

Present: Chair Joey Raspe, Vice-Chair George Lancaster, Tom DiFransico, Lin Walsh. **Excused:** Mike Yunker. **Also Present:** City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Ryan Benninger, Building Official Gerard Roussin, Building Inspector Gerald Leggett.

Public Attending: 2 Marble Hall

2. Approval of Minutes: Planning & Zoning Board Meeting Minutes – May 18, 2022

MOTION: Motion made by George Lancaster, seconded by Joey Raspe, to approve the minutes from the May 18th, 2022, Planning & Zoning Meeting.

DISCUSSION: None.

ON THE MOTION: Roll call vote. Unanimous approval.

3. Administration of Oath to Witnesses: City Clerk Silvia Gransee administered the Oath of Witness to all persons testifying.

4. Citizen Comments and Correspondence – None.

5. Disclosure of Ex-Parte Communication – None.

6. Proof of Publications: All affidavits and legal notices were accepted as sufficient.

7. VARIANCE REQUEST: 551 8th Street - Owner: Charles Wiemer

Applicant requests a Variance to Land Development Regulations Chapter 101, Section 91, Code of Ordinances Chapter 6, Section 1, setback by 5 feet. Current setback requirements are 10 feet.

City Attorney Ryan Benninger requested that the record reflects that the correct Land Development Regulations Chapter is noted as Chapter 101-26.

a. Building Inspector Lenny Leggett reported on the received variance application and stated that the Building Department supports the approval of the requested variance.

b. Chair Joey Raspe read the applicant's variance application and 'Questions and Responses' section submitted by Mr. Wiemer.

c. Mr. Wiemer stated his reasonings for the variance application and explained the main reason for the requested variance is the square footage to make the pool fit. Mr. Wiemer further explained that the building is a side-by-side duplex with no yard space between his unit and the neighbors. Mr. Wiemer informed the Board that the neighbor

has no issues with the requested variance.

Chair Joey Raspe stated that the Board is very familiar with the side-by-side duplexes in Key Colony Beach and has seen many swimming pools being granted without a variance being requested. Chair Joey Raspe stated that the size of a swimming pool that can be put in a backyard currently without a variance is 17.5 feet wide by 12 feet long. Chair Joey Raspe continued saying that this is a good-sized pool and would put the applicant within the 10 feet setback that the city requires. Chair Joey Raspe asked the applicant on why a bigger pool is needed. Mr. Wiemer explained that he does not need a pool bigger than that and that he would not come close to a pool that size. Mr. Wiemer continued saying that due to the design of the house it sits very far back towards the high-tide line and there is not a lot of property available. Chair Joey Raspe asked Mr. Wiemer on why the pool has to be 22.3 feet by 12 feet and if he would take of 5 feet from the pool he would not have to apply for variance. Mr. Wiemer explained the dimensions of the pool and further said that the total square footage would not be that large. Chair Joey Raspe referred to Attachment B that Mr. Wiemer submitted with his variance application. Tom DiFransico referred to Attachment C of the variance application packet and stated that it looks like the stairs would be interfering with the pool design. The Board further discussed possible modifications on the pool design in order to avoid a variance. Mr. Wiemer explained that the suggested modification in the pool design would not be beneficial to him and that the pool would not be big enough. Chair Joey Raspe and Mr. Wiemer continued talking about different modifications and referred to the submitted attachment. The Board and Mr. Wiemer further discussed the dimensions of the proposed pool. Chair Joey Raspe explained to Mr. Wiemer that the city must look at the bigger picture of the neighbor not having a problem with the pool, however, the variance goes with the property, and future owners might find it a nuisance having a pool so close to there property line. Lin Walsh asked if there was a fence separating the properties which Mr. Wiemer confirmed will be there in the future. Chair Joey Raspe stated that he believes that the size of the pool Mr. Wiemer is requesting is too big for the lot and there are many other pool configurations that can could be considered. Mr. Wiemer stated that he understands Chair Raspe's position but he would like to have a pool big enough for his personal use. Lin Walsh asked Chair Joey Raspe if there are other pools comparable to the applicant's request which Chair Raspe stated are not on that size lot. Mr. Wiemer explained to the Board that he would be happy to have a smaller pool but that he is not able to have a pool wider than 6 feet in his backyard. Chair Joey Raspe asked the Building Department if the steps could be relocated to the side of the unit. Mr. Wiemer stated that the steps are poured concrete and are the entrance to the house. The Building Department stated that they would have to review the building and engineering plans to give an answer on moving the steps. Mr. Wiemer further explained the steps for his house. The Board further discussed the variance application. Mr. Wiemer explained to the Board the design of the pool and the surrounding area. Tom DiFransico asked the Building Department if the neighbor could put in a pool as close to the wall as Mr. Wiemer which the Building Official confirmed. Lin Walsh asked Building Official Leggett is this project is doable which the Building Official stated that these variances have been approved in the past but it is up to the Board whether to approve the variance.

The Board had no further discussion.

d. Post Hearing Questions:

1. Has the applicant shown good and sufficient cause to grant the variance?

Roll call: George Lancaster – yes, Lin Walsh – yes, Tom DiFransico – yes, Joey Raspe – no. Roll call vote: 3 – Yes, 1 – No.

2. Will denial of the variance result in unnecessary hardship to the applicant?

Roll call: George Lancaster – yes, Lin Walsh – yes, Tom DiFransico – yes, Joey Raspe – no. Roll call vote: 3 – Yes, 1 – No.

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?

Roll call: Lin Walsh - Yes, Tom DiFransico – yes, George Lancaster – yes, Joey Raspe – no. Roll call vote: 3 – Yes, 1 – No.

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?

Roll call: Tom DiFransico – yes, George Lancaster – yes, Lin Walsh – yes, Joey Raspe – no. Roll call vote: 3 – Yes, 1 – No.

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

Roll call: George Lancaster – yes, Lin Walsh – yes, Tom DiFransico – yes, Joey Raspe – no. Roll call vote: 3 – Yes, 1 – No.

d. Planning & Zoning Board Recommendation:

MOTION: *Motion made by George Lancaster, seconded by Tom DiFransico, to approve the granting of the requested variance for 551 8th Street.*

ON THE MOTION: *Roll Call vote. Lin Walsh – yes, Tom DiFransico – yes, George Lancaster – yes, Chair Joey Raspe – no. Motion passed 3-1.*

The Planning & Zoning Board recommends to the City of Key Colony Beach Board of Commissioners for the requested variance for the property at 551 8th Street to be granted.

City Clerk Silvia Gransee stated to the applicant that his variance request was approved for recommendation to the City Commission and that the Public Hearing will be on August 25th for the final decision on his request

8. Any Other Business - *Tom DiFransico asked on the resolution on the height restrictions and asked if there would be additional Townhall Meetings. Tom DiFransico further stated that the Board has heard from some residents that they are unhappy with the proposed LDR's. Tom DiFransico continued saying that the Planning & Zoning Board would like to know how the issues will be addressed and how the city will proceed. City Attorney Ryan Benninger stated that Legal is not prepared to provide an answer as he is not aware of the status of any additional Townhall meetings. Chair Joey Raspe stated that the City Administrator had informed him that the city is leaning towards the Fall when more residents are coming back into town to be able to attend the meeting in person. Chair Joey Raspe stated that the Board wants to make sure that nothing gets approved before additional workshops have taken place where residents can express their concerns. City Clerk Gransee explained that the City will have an additional Townhall meeting and no date has been set. City Clerk Gransee confirmed that no decisions will be made prior to an additional Townhall meeting and that the item is not on the agenda for upcoming Commission meetings. The City Clerk further explained that the first Townhall meeting recording is available to anyone that was not able to attend. Tom DiFransico asked City Clerk Gransee to clarify the approval process for the LDR's. City Clerk Gransee explained her understanding of the approval process which Building Inspector Leggett further explained as well. Building Official Roussin and City Attorney Benninger also explained the review process with the DEO to the Board. Building Official Roussin explained to the Board that the height requirements were taken out of the Comp Plan and will be separately approved with the LDR's. City Attorney Ryan Benninger clarified to the Board that the second reading of the Comp Plan was approved by the Commission. Chair Joey Raspe asked what the procedures*

are with the LDR's which City Attorney Benninger explained that a second Townhall meeting will be held for public input prior to a second reading of the LDR's. The Board had no other questions.

9. The meeting adjourned at 10:20 a.m.

Respectfully submitted,

Silvia Gransee

City Clerk

ADOPTED: September 21, 2022

Silvia Gransee

City Clerk