

AGENDA

KEY COLONY BEACH CITY COMMISSION PUBLIC HEARING

Thursday, October 20, 2022 – 9:30 a.m.

Temporary City Hall & Virtually Via Zoom Conferencing

Zoom Meeting ID: 401 598 6999

<https://us02web.zoom.us/j/4015986999>

1. ***Call to Order, Pledge of Allegiance, Prayer, Roll Call***
2. ***Administration of Oath to Witnesses***
3. ***Citizen Comments and Correspondence***
4. ***Disclosure of Ex-Parte Communications – Pg. 1***
5. ***Proof of Publications, Affidavit of Mailing/Posting Notices***
 - a. ***66 7th Street - Owner: Robert & Gail Adams – Pgs. 2-6***
 - b. ***200 15th Circle – Owner: Thomas E. Carden: No new legal notices required for matter was tabled on September 22nd meeting.***
6. ***Variance Request:***
 - a. ***66 7th Street - Owner: Robert & Gail Adams***

Applicant requests a Variance to Land Development Regulations Article III., Section 101-26; requesting approval for a 5' setback for an inground pool addition to the property. Current setback requirements are 10'. – Pgs. 7-11

 - i. *Presentation of Variance Request – Building Department*
 - ii. *Updated drawings per Planning & Zoning Board Meeting stipulation. – Pgs. 12-13*
 - iii. *Statement by Applicant*
 - iv. *Planning & Zoning Board Minutes 9/21/2022 & Recommendation – P&Z Chair Joey Raspe – Pgs. 14-17*
 - b. ***200 15th Circle – Owner: Thomas E. Carden***

(Supporting Materials were included in the 09-22-2022 agenda packet)

Applicant requests a Variance to Land Development Regulations Chapter 101, Section 101 – 10 (8) height variance of 6'-8'. Current maximum height is 30'0".

The Applicant further requests a Variance to Land Development Regulations Chapter 101, Section 10 (5) rear setback by 8'6". Current rear yard minimum is 25'.

 - i. *Review of Meeting Minutes*
 - I. *Planning & Zoning Hearing Minutes 04-20-2022*
 - II. *City Commission Public Hearing Minutes 05-26.2022*
 - III. *City Commission Public Hearing Minutes 06-09-2022*
 - IV. *Special Master Hearing Minutes 08-26-2022*
 - ii. *Presentation of Variance Request – Building Department*
 - iii. *Statement by Applicant*
 - iv. *Planning & Zoning Board Recommendation*
 - v. *Special Master Findings & Recommendation*
8. ***Commissioner Comments***
9. ***Motion to Approve, Deny, or Approve with Conditions***
10. ***Adjournment***

“Members of the public may speak for three minutes and may only speak once unless waived by a majority vote of the commission.”

Letters submitted to the city clerk to be read at the Commission Meeting will be made part of the record but not read into record. Persons who need accommodations in order to attend or participate in this meeting should contact the city clerk at 305-289-1212 at least 48 hours prior to this meeting in order to request such assistance. If a person decides to appeal any decision made with respect to any matter considered at any meeting, 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.

EX-PARTE COMMUNICATIONS

An ex-parte communication is defined as:

any contact, conversation, communication, writing, correspondence, memorandum or any other verbal or written communication that takes place outside a public hearing between a member of the public and a member of a quasi-judicial board, regarding matters which are to be heard and decided by said quasi-judicial board.

Site visits and expert opinions are also considered ex-parte communications.

In the event that someone contacts a Board Member about a quasi-judicial matter outside of a public meeting, at such time that particular issue is brought before the Board, the Board Member should state on the record:

the existence of any ex-parte communication,
the nature of the communication,
the party who originated the ex-parte communication, and
whether or not the ex-parte communication affects your ability to impartially consider the evidence presented.

Similarly, any correspondence received by a Board Member must be forwarded to the Board Clerk.

Note: The term "Board Member" would include all members of the Code Enforcement Board, the Planning & Zoning Committee, and the City Commission when they are acting in a quasi-judicial capacity (for example, but not limited to, code violation hearings and variance hearings).

AFFIDAVIT OF MAILING

STATE OF FLORIDA
COUNTY OF MONROE

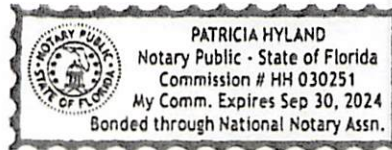
Before me, the undersigned authority, personally appeared Silvia Gransee, who, having been first duly sworn according to law, deposes and says:

1. I am City Clerk for the City of Key Colony Beach.
2. I hereby confirm that on the 19 day of August, 2022 (no less than 30 days prior to the Planning & Zoning Public Hearing on September 21, 2022 and the City Commission Public Hearing on October 20, 2022) I mailed the Notice of Hearing by first class U.S. mail to the address on file with the Monroe County Property Appraiser's Office for all property owners within 300 feet of the property at 66 7th Street.

Silvia Gransee
Signature

Sworn and subscribed before me this
19th day of August, 2022.

Patricia Hyland
Notary Public, State of Florida
My commission expires: 9/30/24



Personally known

_____ Produced _____ as identification

City of Key Colony Beach

PO Box 510141 Key Colony Beach, Florida • Phone# 305-289-1212 • Fax# 305-289-1767



To: Property Owners within 300 feet of 66 7th Street
From: The City of Key Colony Beach
Subject: Planning & Zoning Hearing **and** City Commission Public Hearing for a Variance Request

The City of Key Colony Beach will be holding Public Hearings on:

Planning & Zoning Hearing, Wednesday, September 21, 2022, 9:30 A.M.
City Commission Public Hearing: Thursday, October 20, 2022, 9:30 A.M.

NOTICE IS HEREBY GIVEN that the City of Key Colony Beach, Florida, will hold a **Planning & Zoning Hearing on Wednesday, September 21, at 9:30 A.M.**, and a **City Commission Public Hearing, on October 20, 2022, at 9:30 A.M.**, at Temporary City Hall located at 600 W. Ocean Drive, Key Colony Beach, Florida, 33051, to hear a Variance Request from Robert & Gail Adams, 66 7th Street, Key Colony Beach, Florida 33051. This meeting will be available virtually via Zoom Meetings. Members of the public who wish to attend virtually may email cityclerk@keycolonybeach.net or call 305-289-1212, Ext. 2 for further instructions on attending via Zoom Meetings.

Applicant requests a Variance to Land Development Regulations Chapter III, Section 101-26, Code of Ordinances Chapter III, Section 101-26; requesting approval for a 5' setback for an inground pool addition to the property. Current setback requirements are 10'.

Interested parties may attend the Hearing and be heard with respect to the requested variance.

If any person decides to appeal any decision made by the City Commission of the City of Key Colony Beach with respect to any matter considered at the Variance 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.

If you are unable to attend the Hearings on Wednesday, September 21, 2022, or Thursday, October 20, 2022, but wish to comment, please direct correspondence to P.O. Box 510141, Key Colony Beach, FL 33051, or cityclerk@keycolonybeach.net and your comments will be entered into the record.

Mailed: On or before August 22, 2022.

AFFIDAVIT OF POSTING

**STATE OF FLORIDA
COUNTY OF MONROE**

Before me, the undersigned authority, personally appeared Silvia Gransee, who, having been first duly sworn according to law, deposes and says:

1. I am the City Clerk for the City of Key Colony Beach.
2. I hereby confirm that on the 6 day of September, 2022 (no less than 14 days prior to the Planning & Zoning Public Hearing on September 21, 2022, and the City Commission Public Hearing on October 20, 2022) I posted the Notice of Hearing for the Property at 66 7th Street at the local United States Postal Service and City Hall.

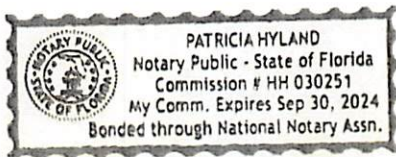
Further affiant saith not.

Silvia Gransee
Signature

Sworn and subscribed before me this
6th day of SEPTEMBER, 2022.

Patricia Hyland
Notary Public, State of Florida
My commission expires: 9/30/24

Personally known
 Produced _____ as identification



The City of Key Colony Beach will be holding Public Hearings on:

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City Commission Public Hearing: Thursday, October 20, 2022, 9:30 A.M.**

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Posted: On or Before September 7, 2022
City of Key Colony Beach, Florida



Published Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

**STATE OF FLORIDA
COUNTY OF MONROE**

Before the undersigned authority personally appeared JASON KOLER who on oath, says that he is PUBLISHER of the WEEKLY NEWSPAPERS, a weekly newspaper published in Marathon, in Monroe County, Florida: that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of publication)

September 8, 2022

Affiant further says that the said WEEKLY NEWSPAPERS is a newspaper published at Marathon, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, once each week (on Thursday) and has been qualified as a second class mail matter at the post office in Marathon, in Monroe County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement. The affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s) and that The Weekly Newspapers is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.

Sworn to and subscribed before me this 8 day of Sept, 2022.

(SEAL)

Charlotte Bruska
Notary

PUBLIC MEETING NOTICE

The City of Key Colony Beach will be holding Public Hearings on: Planning & Zoning Hearing, Wednesday, September 21, 2022, 9:30 A.M.

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Applicant requests a Variance to Land Development Regulations Chapter III, Section 101-26, Code of Ordinances Chapter III, Section 101-26; requesting approval for a 5' setback for an Inground pool addition to the property. Current setback requirements are 10'. Interested parties may attend the Hearing and be heard with respect to the requested variance. If any person decides to appeal any decision made by the City Commission of the City of Key Colony Beach with respect to any matter considered at the Variance 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. If you are unable to attend the Hearings on Wednesday, September 21, 2022, or Thursday, October 20, 2022, but wish to comment, please direct correspondence to P.O. Box 510141, Key Colony Beach, FL 33051, or cityclerk@keycolonybeach.net, and your comments will be entered into the record.

City of Key Colony Beach
Publish:
September 8, 2022
The Weekly Newspapers



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: Robert & Gail Adams 8047216413
Property Owner Name Phone Number

66 7th Street, KCB
Street Address of Variance Lot Block Subdivision

175 Hidden Cove Drive, White Stone, Va. 22578
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.

Agent Name Agent Phone Number

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

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 5 feet). Also state if this is for future construction or existing conditions.

Requesting relief from sec 101-26 (11) setbacks. A 10' setback is required, applicant is requesting approval for a 5' setback on each side due to limited areas.

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 [Handwritten Signature]

Office Use Only

Date Filed 8-5-22

Date Paid 8-5-22 Check # 3497

Variance granted / denied on (date) _____

[Handwritten Signature]
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?

See attached document for all answers.

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

- 1. Applicant is transitioning to full time residency in KCB, The rising costs of overcrowded public pools has made membership unsuitable for our purpose, especially during crowded winter months. Applicant has selected a modest sized pool that supports exercise for medical conditions. (Robert has severe Neuropathy and Gail has RA) The installation requires a variance from KCB. There are already numerous pools in KCB for which variances were granted. Granting the variance would not stop access by first responders or neighbors. The neighbors have no objection to the requested variance.**
- 2. If the variance is not granted, the applicants medical conditions would not be addressed. The overcrowding and expense of existing facilities does not meet the need of the applicants.**
- 3. Granting the 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. Requesting relief from setbacks, sec 101-26 (11) required setback is 10'. Applicant is requesting 5'. Other properties on 7th Street have similar setbacks. Depth of lot does not require a setback variance from sea wall.**
- 5. 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 on their individual circumstances, and many such variances have previously been approved for similarly situated properties.**

Applicant Questions and Responses-
LAND DEVELOPMENT REGULATIONS - Section 101-171. Variances.

(1) **Initiation.** Any owner, agent, lessee or occupant of land or a structure may apply in writing to the city clerk for a variance, on that land, from the requirements of this chapter, except that no request for a use variance will be considered. Details must be included with the request and be filed with the city clerk together with the established fee for a variance. If the applicant is other than the owner of the property, the written consent of the owner for the variance requested must be submitted with the application. When the petitioner is a public agency, the city commission may authorize the waiver or reduction of the fee.

(2) **Planning and zoning committee procedure.**

- (a) Upon receipt of a written request, the city clerk will deliver the request to the planning and zoning committee.
- (b) The planning and zoning committee shall make an investigation of the conditions pertaining to the requested variance in advance of the public hearing by the city commission. This investigation shall be at a duly noticed meeting. Mailing of notice of the meeting shall be made by the city to all property owners within three hundred (300) feet of the boundaries of the property which is the subject of the variance request.
- (c) The planning and zoning committee, shall make their recommendation to the city commission in writing, based upon the standards in (5) below. They may recommend approval or disapproval of the variance or may recommend approval of the same subject to such specified conditions as it may deem to be necessary or advisable in furtherance of the provisions of this chapter. Reasons for the recommendation shall be stated.

(3) **City commission procedure.**

- (a) After receipt of the planning and zoning committee report, the city commission shall give notice in a newspaper stating the date, time and place of a city commission public hearing as provided for in section 101-173.
- (b) After their public hearing the city commission may approve or disapprove the requested variance or may approve the same subject to specified conditions as it may deem to be necessary or advisable in furtherance of the provisions of the zoning ordinance. If the applicant desires to present evidence not presented to the planning and zoning committee, the matter shall be returned to the planning and zoning committee for further deliberation and recommendation unless the city commission finds by majority vote that the new evidence is insignificant or unsubstantial.
- (c) The commission shall state reasons for their decision, based on the standards detailed in (5) below.
- (d) The decision of the city commission shall be final. No new request for similar action concerning the same property may be made to the city commission or planning and zoning committee for a period of not less than six (6) months after the date of said decision by the city commission.

(4) **Effective period.**

A building permit application must be submitted within twelve (12) months of variance approval otherwise the approval expires. Any extension of up to twelve (12) months may be granted by the city commission for good cause.

Applicant Questions and Responses-

(5) Standards for granting variances.

(a) Specific criteria:

- (1) The applicant shall demonstrate a showing of good and sufficient cause;**
- (2) Failure to grant the variance would result in unnecessary hardship to the applicant;**
- (3) Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance, or cause fraud or victimization of the public;**
- (4) Property has unique or peculiar circumstances, which apply to this property, but which do not apply to other properties in the same zoning district;**
- (5) Granting the variance will not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of established development patterns.**

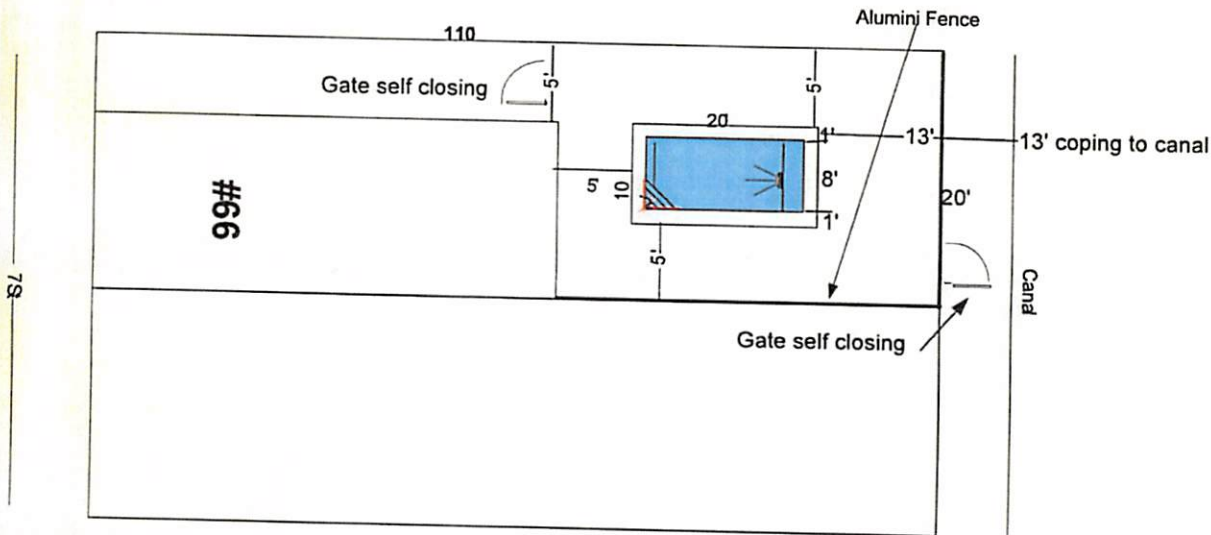
(b) Recommendations to the city commission.

- (1) If all 5 specific criteria are met, then the planning & zoning committee shall recommend approval to the city commission. Approval by the city commission would be by majority vote of the city commission.**

If the planning & zoning committee finds the five (5) specific criteria are not met, they shall recommend disapproval of the variance unless they specifically find that the granting of the variance will have minimal adverse effect on other citizens of the city or on the city. Approval of a variance where all five (5) specific criteria are not met shall require a favorable vote of four-fifths (4/5) of the city commission.

- (2) Conditions: The planning and zoning committee may recommend, and the city commission may prescribe, appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.**
- (3) Use Variance: Under no circumstances shall the city commission grant a variance to permit a use not generally permitted in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.**

Site Plans



Parcel ID 00078210-000000

Account# 1083950

Property ID 1083950

Millage Group 50KC

Location Address 66 7TH ST, KEY COLONY BEACH

Legal Description N 1/2 LT 34 KEY COLONY BEACH YACHT

SUBD KEY COLONY BCH FLA PB4-68 AND ADJ FILLED LAND

AND BAY BTM OR136-151 OR166-349 OR183-129 OR183-131

OR237-313 OR237-315 OR355-527 OR335-528 OR497-237

OR497-238 OR608-411 OR608-408 OR848-1730/31 OR2094-

1439/40 OR2583-928/30 OR3007-0075 OR3055-1642

(Note: Not to be used on legal documents.)

Neighborhood 5025

Property Class SINGLE FAMILY RESID (0100)

Subdivision KEY COLONY BEACH YACHT

Sec/Twp/Rng 05/66/33

Affordable Housing No

Owner

ADAMS ROBERT WILLIAM

175 Hidden Cove Dr

White Stone VA 22578 ADAMS GAIL TOOMBS

175 Hidden Cove Dr

White Stone VA 22578

Valuation

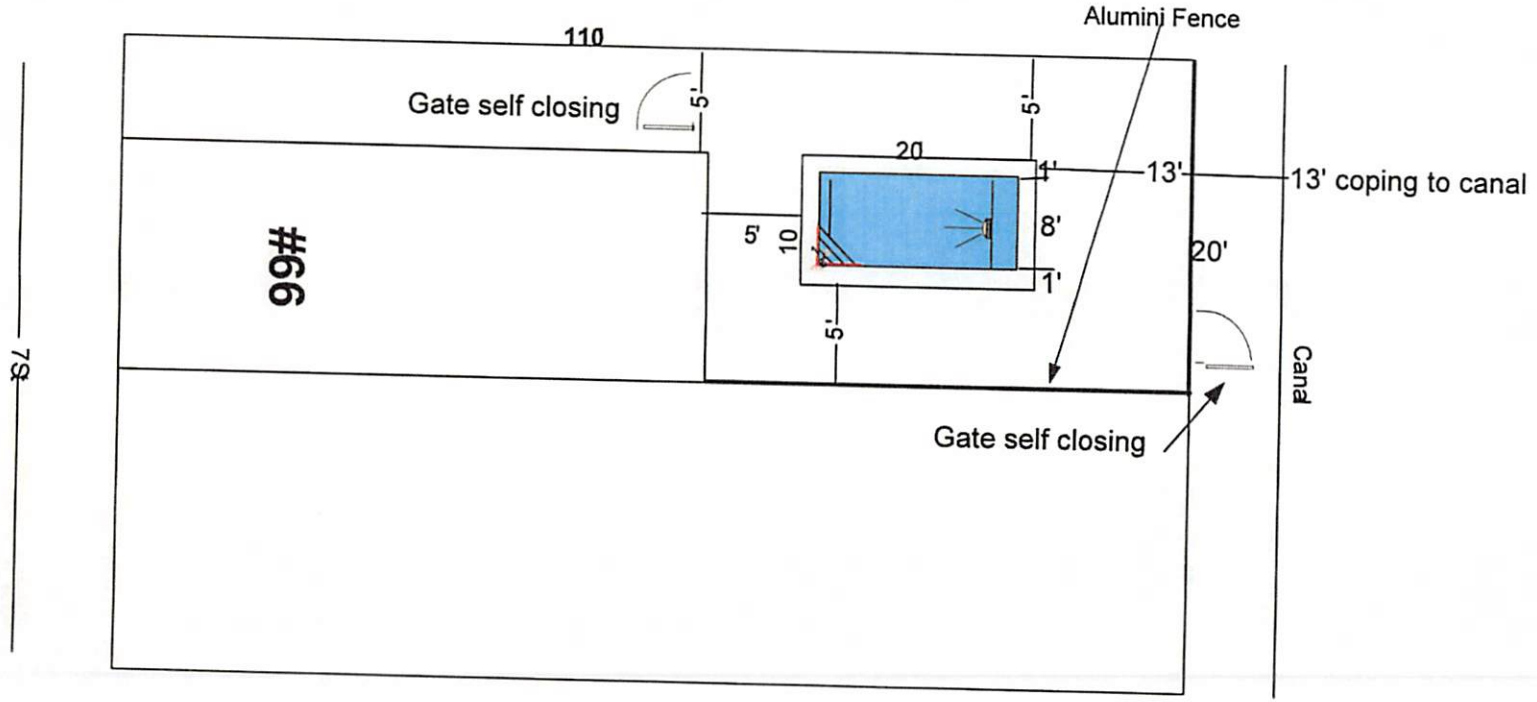
Adams Resd
66 7 St KCB

Swimming Pools
Spa Decks
Construction &
Remodeling



ECO POOLS, INC

Site Plans



Swimming Pools
Spa-Decks
Construction &
Remodeling



ECO POOLS, INC

Adams Resd
66 7 St KCB

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



September 21, 2022

To: The City of Key Colony Beach Board of Commissioners

From: The Key Colony Beach Planning & Zoning Board

Re: 66 7th Street – Owner: Robert & Gail Adams

The Planning & Zoning Board heard the applicant's request for Variance to Land Development Regulations Article III., Section 101-26; requesting approval for a 5' setback for an inground pool addition to the property. Current setback requirements are 10'.

Post Hearing Questions Results:

- | | |
|---------------------------------|--|
| 1) Chair Joey Raspe | Yes - on all 5 (five) Post Hearing Questions |
| 2) Vice-Chair George Lancaster | Yes - on all 5 (five) Post Hearing Questions |
| 3) Board Member Mike Yunker | Yes - on all 5 (five) Post Hearing Questions |
| 4) Board Member Lin Walsh | **excused** |
| 5) Board Member Tom DiFrancisco | Yes - on all 5 (five) Post Hearing Questions |

MOTION: Motion made by Tom DiFrancisco, seconded by Mike Yunker, to recommend approval for the requested variance for 66 7th Street with said stipulations.

ON THE MOTION: Rollcall vote. Unanimous approval.

Final Recommendation: The Planning & Zoning Board recommends to the City of Key Colony Beach Board of Commissioners for the requested variance for the property at 66 7th Street to be granted with said stipulations.


Joey Raspe, Chair

MINUTES
PLANNING & ZONING BOARD
REGULAR MEETING AND PUBLIC HEARING
Wednesday, September 21, 2022 - 9:30 a.m.
Temporary City 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, Mike Yunker. **Excused:** Lin Walsh. **Also Present:** City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Janette Smith (virtual), Building Official Gerald Leggett.
Public Attending: 0 in person, 2 virtual

2. Approval of Minutes - Planning & Zoning Board Meeting Minutes from July 2022.

MOTION: Motion made by George Lancaster, seconded by Mike Yunker, to approve the minutes from the July 20, 2022, Planning & Zoning Meeting.

DISCUSSION: None.

ON THE MOTION: Rollcall 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 – City Clerk Silvia Gransee reported receiving correspondence from Kathy and Chris Bloch, 66 7th Street, in support of the setback variance request.

There were no citizen comments.

5. Disclosure of Ex-Parte Communication – None.

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

7. VARIANCE REQUEST: 66 7th Street - Owner: Robert & Gail Adams

Applicant requests a Variance to Land Development Regulations Article III., Section 101-26; requesting approval for a 5' setback for an inground pool addition to the property. Current setback requirements are 10'.

a. Presentation of Variance Request – Building Official Gerald Leggett presented the variance request to the Board. Building Official Leggett asked the owner, Mr. Adams, for confirmation that the accurate depiction of the pool drawing is presented on page 17 of the application. Mr. Adams confirmed the Building Officials question. Building Official Leggett further make clear that, per building codes, the gates should swing away from the body of water. Mr. Adams stated that this will be taken care of. Building Official Leggett confirmed that this applies to both gates.

City Attorney Smith stated for the record that the correct site plan submitted is on page 17, and the request for change is that the gates have to open the opposite direction than what is depicted on the page. The parties agreed to

the statement.

Chair Joey Raspe stated to Mr. Adams that the gates have to close automatically once opened which Mr. Adams acknowledged as understood. Building Official Leggett asked Mr. Adams to submit corrected drawings with his permit application to which Mr. Adams agreed upon.

The Board continued addressing questions on setback requirements and required distances for the boardwalk, seawall, and pool. City Attorney Janette Smith asked Building Official Leggett to confirm that the setback from the back of the property is 10 feet which Building Official Leggett confirmed. City Attorney Smith asked Mr. Adams to confirm his testimony that the drawings depict that the 10-foot setback will not encroach on the water side of the property. City Attorney Janette Smith asked Mr. Adams as to when he is correcting the site plan to include the measurement from the edge of the pool, which is the walkway, down to the seawall which is considered the edge of the property. The Building Official and Mr. Adams confirmed City Attorney Smith's statement. City Attorney Janette Smith stated to the Board that this will give a clear understanding of the drawings, including the location of the pool and what the applicant is asking for in his request.

b. Statement by Applicant: Mr. Adams stated to the Board that his family is currently transitioning to Key Colony Beach fulltime and the pool will help with rehabilitation due to personal health issues and injuries. Mr. Adams further stated that he understands the limited space but believes it would add to the property value in all of the neighborhood. Mr. Adams thanked the Board and further stated that he will have the updated drawings in the next few days.

Building Official Leggett asked Mr. Adams to clarify if the 5-foot setback is to the edge of the concrete or to the body of water, which Mr. Adams confirmed it to be to the edge of the concrete. Building Official Leggett further asked for confirmation that the concrete width edge to edge is 10 feet and the body of water would not be 10-foot which Mr. Adams confirmed as an accurate description. Board Member Mike Yunker asked Building Official Leggett if the setback goes to the body of water or to the concrete structure to which Mr. Leggett stated as the edge of structure. The Board continued discussions on setback requirements. City Attorney Smith asked Mr. Adams to confirm the size of the concrete going around the pool as 1-foot and the width of the pool as 8-feet which Mr. Adams confirmed. City Attorney Janette Smith asked Mr. Adams to have these measurements depicted on the site plan as well. The Board further discussed the type of coping that will be used around the pool.

Chair Joey Raspe read the applicants Questions & Responses. Chair Raspe further stated that because a variance has been granted in the past, does not automatically lead to a variance being granted. Chair Raspe stated that each variance request is treated as an individual case.

City Administrator Dave Turner asked City Attorney Janette Smith if a stipulation can be made based upon the drawings to be corrected and depict exactly what has been discussed. City Attorney Smith stated that it is reflected in the record that the applicant will update the drawings showing that the gates will automatically close away from the pool on both sides, in addition to showing the setbacks from the seawall, as well as showing the sides of the coping, and the actual size of the body of water of the pool.

City Attorney Smith explained that all these items should show as satisfied prior to the variance request being presented to the City Commission.

City Attorney Janette Smith further explained that these stipulations are part of the minutes and as such part of the condition of the recommendation.

The Board further discussed if other circumstances comparable to this request have been approved in the past.

The applicant, Mr. Adams, agreed to submitting the updated drawings by October 3rd, 2022, prior to the City Commission Public Hearing on October 20, 2022.

Board Member Mike Yunker asked if the Building Department had any objections to the application which Building Official Leggett said there were none.

c. Post Hearing Questions:

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

Roll call: Mike Yunker – yes, George Lancaster – yes, Tom DiFransico – yes, Joey Raspe – yes. Roll call vote: Unanimous approval.

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

Roll call: George Lancaster – yes, Tom DiFransico – yes, Mike Yunker – yes, Joey Raspe – yes. Roll call vote: Unanimous approval.

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: Tom DiFransico – yes, Mike Yunker – yes, George Lancaster – yes, Joey Raspe – yes. Roll call vote: Unanimous approval.

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, Mike Yunker – yes, George Lancaster – yes, Joey Raspe – yes. Roll call vote: Unanimous approval.

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

Roll call: Mike Yunker – yes, George Lancaster – yes, Tom DiFransico – yes, Joey Raspe – yes. Roll call vote: Unanimous approval.

d. Planning & Zoning Board Recommendation:

MOTION: Motion made by Tom DiFransico, seconded by Mike Yunker, to recommend approval for the requested variance for 66 7th Street with said stipulations.

ON THE MOTION: Roll Call vote. Unanimous approval.

The Planning & Zoning Board recommends to the City of Key Colony Beach Board of Commissioners for the requested variance for the property at 66 7th Street to be granted with said stipulations.

8. Any Other Business – None.

9. Adjourn - The meeting adjourned at 9:54 a.m.

**Respectfully submitted,
Silvia Gransee
City Clerk**