

MINUTES

PLANNING & ZONING BOARD

REGULAR MEETING AND VARIANCE HEARING

Wednesday, May 16, 2018, 9:30 a.m.

Marble Hall

Call to Order: The meeting was called to order at 9:30am by Chairperson Troiano.

Roll Call: *Present:* Trudy Troiano, George Lancaster, Joey Raspe, Gary Furtak, and Ron Anderson. *Excused:* Steve Decrow and Gail Cortelyou. Also present: City Administrator Chris Moonis, City Attorney Tom Wright, Building Official Ed Borysiewicz and Assistant City Clerk Becky Todd. Public – 3

Oath of Office for Board Member: City Attorney Tom Wright administered the Oath of Office to Ron Anderson.

Variance Request: 531 3rd St. – Joe Fincher

City Attorney Wright administered the oath to all who would testify. Joe Fincher, owner of 531 3rd St. testified that his current L dock only extends out 15 feet, and there is no water 12 feet out at low tide which requires for the boat to park on the outside of the dock parallel to the channel. There are large fishing boats and lobster boats that create large wakes when they pass which causes damage to the boat moored at the dock. The variance he is proposing is to build a 5' wide dock straight out towards the channel 45 feet which would allow the boat to ride bow into the wake. Hurricane Irma destroyed the existing dock and since he has to replace it anyway he would prefer to replace it with the proposed dock. Chairperson Troiano asked if he has considered installing a boat lift to which he replied he has but prefers to install the dock. Joe Fincher presented photos on his phone to the board. City Attorney asked owner Joe Fincher to confirm that the structure that is to be served by the dock is half of a duplex which he confirmed. He further inquired as to if the property is his residence or a rental. Joe Fincher stated that it is a rental unit and that he stays at the property at times and rents a boat when he is here. Chairperson Troiano stated that she has noticed that a lot of boats don't use the channel and navigate between his property and the channel marker sign because there is still deep water there. Board member Joey Raspe stated that every boat he has observed go by was outside the channel. City Attorney Wright administered the oath to resident Peter Hines. Mr. Hines stated that he has been a resident for 20 years. The signage in the channel is confusing, when boats come around the bend they can't see the sign and it's proven by the number of boats that run aground there. City Administrator Moonis said that he will discuss the signage issue with the Building Official

to see if the situation can be improved. Joey Raspe stated that his concern in making the proposed change is the danger that a night time boater might run in to the pier, especially if it is not lit, considering boat traffic passes only 30 to 40 feet from his current dock. Mr. Fincher guaranteed that the dock would be very well lit every night. Chairperson Troiano expressed her concern for the possibility of a boat collision even if the dock is lit up and that this would set precedence as all the other residents have L docks and deal with the same wave action issues as Mr. Fincher does. Other residents have opted for L shaped dock with a boat lift as a resolution. She inquired if there in any consideration for making the proposed dock less than 45 feet. Mr. Fincher said he is agreeable with amending the request to a 40 foot dock. City Attorney Wright interjected that Building Official Borysiewicz stated that if the variance was approved he would measure the dock from the edge of the seawall. George Lancaster asked if lighting the dock could be a requirement to which City Attorney Wright confirmed it could be a condition of the variance if the board is inclined to grant the variance. Gary Furtak said he realizes that having renters at the property is a reason not to opt for a lift. Mr. Fincher agreed it would be a liability issue.

Question 1. Has the applicant shown good and sufficient cause to grant this variance? George Lancaster, yes. Joey Raspe, yes. Gary Furtak, yes. Ron Anderson, yes. Trudy Troiano, no.

Question 2. Will denial of this variance result in unnecessary hardship to the applicant? Gary Furtak, no. Joey Raspe, no. George Lancaster, yes. Ron Anderson, no. Trudy Troiano, no.

Question 3. Granting this variance will not result in public expense, a threat to public health and safety, and it will not create a threat or nuisance, or cause fraud or victimization of the public. Ron Anderson, yes. Gary Furtak, yes. Joey Raspe, yes. George Lancaster, yes. Trudy Troiano, no.

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. Ron Anderson, yes. Gary Frutak, yes. Joey Raspe, yes. George Lancaster, yes. Trudy Troiano, no.

Question 5. Granting this variance would not confer any special privileges in terms of established development in the immediate neighborhood. George Lancaster, yes. Joey Raspe, no. Gary Furtak, no. Ron Anderson, no. Trudy Troiano, no.

City Attorney Wright stated that the board has voted that some of the criteria have been met and some of the criteria have not been met. When the board votes that not all of the criteria has been met that triggers a 4/5 requirement for passage by the City Commission. However, under the LDR's, regardless of whether the board finds that all of the criteria has not been met it can still recommend to the commission that this variance be granted or part of the variance or the variance with modifications be granted.

Motion: Made by Joey Raspe that the variance be modified to a 5' wide by 40' from the concrete seawall dock, it must be lit at night and will have no other mooring pilings on the outside of the dock. Seconded by George Lancaster.

On the Motion: Roll call vote. George Lancaster, yes. Joey Raspe, yes. Gary Furtak, yes. Ron Anderson, yes. Trudy Troiano, no.

Tom Wright reiterated that the vote constitutes a recommendation to the commission that will require a 4/5 approval vote from the commission.

Trudy Troiano inquired as to following up on the “No Wake” zone signs. City Administrator Moonis said that him and Building Official Borysiewicz will get out on the boat and take a look at the situation to see what navigation improvements or recommendations can be made.

The meeting adjourned at 10:14 am.

Becky Todd, Assistant City Clerk

There may be attendance and participation of city commission members at this meeting.

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.