

**MINUTES**  
KEY COLONY BEACH  
CITY COMMISSION PUBLIC HEARING VARIANCE REQUEST  
Tuesday November 22, 2016, 9:30 AM  
City Hall Auditorium

1. **Call to Order, Roll Call:** The Public Hearing for approval of a variance request at 201 8<sup>th</sup> Street was called to order by Mayor Jerry Ellis at 9:30 A.M.

*Present:* Mayor Jerry Ellis, Vice Mayor Ron Sutton, Commissioner Jim Pettorini, Commissioner John DeNeale and Commissioner April Tracy. *Also Present:* City Clerk Kathryn McCullough, City Attorney Tom Wright, Building Official Ed Borysiewicz, Assistant Building Official Steve Britske and Police Chief Kris DiGiovanni Public - 7.

2. **Introductory Statement:** Planning & Zoning Board Member Trudy Troiano presented the Variance Request from George Artz, 201 8<sup>th</sup> St. He requests a variance allowing the extension of the dock to the property line with the stipulation the dock is restricted to a 5 foot width. The tiki hut may remain the same size, or reduced size, with the stipulation it not extend over the dock on the waterside, however it may be moved back toward the land side. He also requests (2) 15,000 pound boat lifts with the following conditions: Condition 1; the arms of the boatlift cannot extend more than 12 feet from the dock. Condition 2, the width of the dock cannot exceed 5 feet. Condition 3, the arms of the boatlift must be in the up position at all times. Board Member Troiano reported, after looking at the applicable codes, Planning & Zoning did not find the request to be a hardship on the north side as the docks in that area are all T-docks. Mr. Artz also wants to install (2) 15,000 pound boat lifts. The Board did request Mr. Artz restrict the entire dock to a width 5 feet, that the arms of the boat lifts not exceed more than 12 feet in length and that the arms be kept in the up position so as not to exceed the one quarter canal rule. Mr. Artz agreed to the stipulations.

3. **Discussion:** Mayor Ellis reported he went to look at the property. He stated the restriction of the dock to a 5 foot width would be an improvement. He also said most people keep a boat lift in the up position when a boat is not on it, therefore he has no problem with the variance. Mayor Ellis asked about the tiki hut. Board Member Troiano answered the tiki hut could remain as it is already 'grandfathered'. However, Planning & Zoning stipulates it not extend over the dock on the waterside, but it may be moved back toward the land side. Attorney Wright reported Planning & Zoning found all the issues were met so only a three fifths vote Commission vote is required for approval.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner DeNeale, to accept the recommendations of the Planning & Zoning Board with the noted stipulations.

Mr. Sal Salavarri, 121 8<sup>th</sup> Street voiced an objection to the Commission. He questions how far the encroachment into the canal is actually going to be? Building Official Borysiewicz answered that the canal is 100 feet wide, following the recommendations of Planning & Zoning, the dock extends 13' from the platted lot line, the forks of the lift add another 12 feet. This totals 25 feet or one quarter of the canal. Mr. Salavarri stated with the tiki hut, and if the neighbor across the canal also installed a boat lift, it could take over half of the canal. That is his concern.

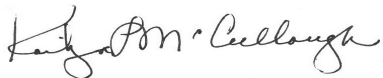
Mr. Artz, 201 8<sup>th</sup> Street, asked if he could leave the tiki hut in place as it is going to be very expensive to move it. Vice Mayor Sutton asked Mr. Artz to clarify that he is asking to leave the tiki hut in place. Mayor Ellis informed Mr. Artz he would have to take the request back to Planning & Zoning if he wanted to change what has been presented. Attorney Wright told the Commission it is within their authority to change or remove conditions recommended by Planning & Zoning or to deny the variance entirely. He further stated the Commission could also send the variance request back to Planning & Zoning for additional study. Mayor Ellis said he did not deem it appropriate for the Commission to amend the recommendations of Planning & Zoning. Commissioner DeNeale asked if the tiki remained wouldn't the lift encroach further into the canal? Mr. Artz answered no as the dock, where the boat lifts are to be installed, would be 5 foot in width, only the tiki hut would remain at a 10' width. Commissioner DeNeale agreed this request should be referred back to Planning & Zoning. Vice Mayor Sutton restated the variance should be referred back to Planning & Zoning.

**ON THE MOTION:** Vice Mayor Sutton withdrew the motion. Commissioner DeNeale withdrew the second.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner DeNeale, to refer the variance request back to Planning & Zoning for additional study and recommendation.

**ON THE MOTION:** Unanimous approval.

Respectfully submitted,



Kathryn McCullough, City Clerk

**Note: These minutes are unofficial and have not been formally approved by the Commission. The approval will be at the next scheduled Commission meeting.**