

# MINUTES

## PLANNING & ZONING BOARD

### REGULAR MEETING AND VARIANCE HEARING

Wednesday, October 18, 2017, 9:30 a.m.

- City Hall Conference Room

1. Call to Order: The meeting was called to order at 9:30 AM by Chairperson Trudy Troiano.
2. Roll Call: *Present*: Trudy Troiano, George Lancaster, Joey Raspe, Toni Appel, and Gary Furtak who recused himself. . *Excused*: Tucker DeGraw and Ron Anderson. *Also present*: City Administrator Chris Moonis, City Clerk Kathryn McCullough, Building Official Ed Borysiewicz and Attorney Tom Wright, Public – 3.
3. Approval of Minutes:  
**MOTION**: Motion made by George Lancaster, seconded by Joey Raspe, to approve the minutes of May 17, 2017.  
**ON THE MOTION**: Unanimous approval.
4. Discussion/Approval of Boat Lift Request at 948 W. Ocean Drive Attorney Wright gave background information. He said Mr. Borysiewicz, as a private investor in a private capacity, created a riparian dockage and easement agreement when he was the owner of the property. The owners of two properties are affected by this agreement. An application for a permit, for a boat lift has been submitted. City code requires if there is any uncertainty with the Building Official issuing the permit it be referred to the Planning and Zoning Board. He cautioned private agreements are not binding on the City. Private agreements are binding on the parties and they can be enforced in court. All this Board can do is determine if the permit can be issued in compliance with the Land Development Regulations (LDR's) and City Code.

City Attorney Wright administered the oath to all who would testify. Gary Furtak requested the oath be administered to him by the City Clerk. She administered the oath to Mr. Furtak.

Barbara Hewlett, property owner of 948 W. Ocean Drive, reported she only heard of this hearing on Monday. Neither her husband or the builder, Ed McGraw, were able to attend this meeting. She lost all her paperwork to Hurricane Irma. She has also been unable to contact her attorney. She asked if it was possible to ask for a continuance to be more prepared. Gary Furtak stated this issue has been going on for a year and a half. He said the warranty deed states there can be no poles or docks put in. Ms. Hewlett said the elevator lift being requested is 10,000 pounds and goes straight up and down. Board Member Raspe said a 10,000 pound lift will not hold a 26 foot boat. Mr. Furtak reported it is 32 feet from his seawall to the dock. The dock was over built by 1 foot six inches, therefore, reducing the 32 feet distance. An average boat has a

10 foot beam. The dock comes out 4 foot 3 inches. That is 14 foot. There is 14 foot 6 inches left. Even with a 10 foot beam boat docked there it only leaves Mr. Furtak 4 feet to 5 feet to get out.

Ms. Hewlett reports the easement is 16 feet on the east and 16 feet on the west. If the largest boat that would fit was docked on her property that would still leave Mr. Furtak 6 feet to get his boat out. The prior owner started the boat lift permit process. Ms. Hewlett was sold the property under the assumption a boat lift permit could be issued.

Attorney Wright cautioned the Board cannot issue the permit for a boatlift if it will block Mr. Furtak's access to the canal. There is nothing to prevent the two property owners from negotiating an agreement.

Tom Maloney, 938 W. Ocean Drive, reported the initial finger pier was proposed to be 2 feet wider than it's current width. Mr. Maloney keeps his boat on the other side of the finger pier on a lift. At that time it was agreed a boat could not be docked any closer to 150 10<sup>th</sup> Street.

Chairperson Troiano restated the Board can only rule on the ingress and egress of boats. The Board cannot rule on the deed restrictions.

**MOTION:** Motion made by Board Member Raspe, seconded by Board Member Lancaster, to deny the application for the boat lift at 948 W. Ocean Drive.

**ON THE MOTION:** Roll call vote. Board Member Lancaster, yes. Board Member Raspe, yes. Board Member Appel, No. Chairperson Troiano, yes. Motion passes.

5. Any Other Business Chairperson Troiano announced Gail Cortelyou has resigned from the Board.

6. Adjournment The meeting adjourned at 10:37 a.m.

Respectfully submitted,



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Kathryn McCullough, 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.