

**MINUTES**  
KEY COLONY BEACH  
CITY COMMISSION PUBLIC HEARING VARIANCE REQUEST  
Thursday June 28, 2018, 9:30 a.m.  
City Hall Auditorium

The Public Hearing for approval of a variance request at 531 3<sup>rd</sup> Street, was called to order by Mayor DeNeale at 9:30 a.m.

*Present:* Mayor John DeNeale, Vice Mayor Ron Sutton, Commissioner Patti Trefry, Commissioner Jim Pettorini and Commissioner April Tracy.

*Also Present:* City Administrator Chris Moonis, City Clerk Kathryn McCullough, City Attorney Tom Wright, Building Official Ed Borysiewicz, Assistant Building Official Gerard Roussin and Police Chief Kris DiGiovanni. Public - 12.

Mayor DeNeale stated the applicant, Joe Fincher owner of 531 3<sup>rd</sup> Street, requested a variance to Code of Ordinances Chapter 5, Section 35 (10) a proposed dock, five feet wide by forty feet from the concrete seawall. It must be lit at night and will have no other mooring piles on the outside of the dock.

Mayor DeNeale asked City Clerk McCullough if she had proof of publication and affidavit of mailing notices. Ms. McCullough replied she has the proof of publication and affidavit of mailing notices.

Mayor DeNeale asked if there was any disclosure of ex parte communications by the Commissioners. There were no disclosures.

Mayor DeNeale asked City Attorney Wright to administer the oath to witnesses. City Attorney Wright asked everyone who intended to speak on the application to stand. He asked if all would swear and affirm their testimony shall be the truth, the whole truth and nothing but the truth. All responded, 'I do'.

Joey Raspe, Planning and Zoning Board Assistant Chairperson, reported the Board heard the variance application from Mr. Joe Fincher at a Public Hearing on May 16, 2018. The initial request was to extend 45 feet from the seawall, 5 feet wide, and to add extra pilings. Mr. Raspe said the P & Z Board explained the request as follows, variance of 40 feet from the concrete seawall, five feet wide. With the conditions that it must be lit at night and will have no other mooring piles on the outside of the dock. As the property is used as a rental, the lights on the dock must be designed so they cannot be switched off. The P & Z Board determined only 3 of the 5 criteria were met. Attorney Wright stated a four/fifths vote of the Commission will be required to pass this variance.

Mr. Fincher explained his request for a dock does not extend as far out as his neighbors docks. Boats coming in and out of the channel do not slow down. This dock configuration will allow boats to dock bow out/stern in. Boats would then be able to ride the wave as opposed to being slammed against the dock.

Mayor DeNeale asked Mr. Raspe for the recommendation of the P & Z Board. Mr. Raspe reported the Board recommended approval of a dock to extend 40 feet from the seawall, five feet wide, with no exterior mooring piles, conditioned the dock be lit at all times with no ability to turn the lights off.

Mayor DeNeale asked if there was any correspondence. The City Clerk responded there was none. Mayor DeNeale asked if there was any public comments. There were none.

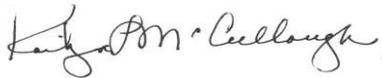
Commissioner Pettorini asked if the conditions placed on the variance mitigated the fact that only 3 of the 5 criteria were met. Attorney Wright said the Board's motion to approve the variance included the limitations. He also stated even if none of the criteria were met, the Board could still recommend approval to the Commission.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Trefry, to approve the variance as recommended by the P & Z Board with the conditions specified.

**ON THE MOTION:** Roll call vote. Unanimous approval.

The meeting adjourned at 9:39 a.m.

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.**

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