

MINUTES

PLANNING & ZONING BOARD

REGULAR MEETING AND VARIANCE HEARING

Wednesday, January 16, 2019, 9:30 a.m.

Marble Hall

Call to Order: The meeting was called to order at 9:35 am by Chairperson Troiano.

Roll Call: *Present:* Trudy Troiano, Joey Raspe, George Lancaster, Gary Furtak and Steve Decrow. *Excused:* Gail Cortelyou, and Ron Anderson. Also present: City Administrator Chris Moonis, City Clerk Kathryn McCullough, City Attorney Tom Wright, and Building Official Gerard Roussin . Public – 4

Approval of Minutes: The Planning & Zoning Board minutes of the October 17, 2019 were approved by acclamation.

Chairperson Troiano informed the Board Members the variance for 48 Sadowski Causeway was referred back to Planning and Zoning by the City Commission. The applicant, Brad Boersma has requested a 6 month extension. She asked City Clerk McCullough to put this request on the June 2019 agenda and to re-advertise and to re-notify the surrounding residents of this variance request. Chairperson Troiano advised Mr. Boersma if he wanted a meeting prior to June he would have to adequate notice to allow for advertising and notification requirements.

VARIANCE REQUESTS:

Swear in Witness to Testify

Attorney Wright asked all persons giving testimony in the variance requests to stand and raise their right hand. He asked all to swear the testimony they will give is the truth, the whole truth and nothing but the truth. All replied yes.

Notice of Ex-Parte Communication None

Variance Request

Sea Edge Properties – 340 – 350 East Ocean Drive. Mr. Lyn Bevis, agent for the property owner, explained this variance request had been presented to the Planning and Zoning Board in October 2019. At that time the Board requested a survey of the property showing the riparian lines. That survey has been provided. He is, therefore, again requesting a variance to Code of Ordinances Chapter 5,-Section 35 (10), of 5'0" and 20'0" for 2 mooring poles to match neighbors pilings permitted in 1987. Chairperson Troiano asked if this property was every split would the mooring pole remain on the one side. Mr. Bevis answered yes. Chairperson Troiano asked if the neighbors encroaching

boat was removed would Mr. Bevis be able to dock a 28' boat. City Attorney Wright stated, in his legal opinion, the neighbor's boat is encroaching into the riparian rights of 340-350 East Ocean Drive property. The owner, current or future, of 340-350 East Ocean Drive has the right to require the neighbor to move his boat. Chairperson Troiano stated the applicant stated his reason for the mooring pole is to allow renters on both sides of the duplex to dock a 28' boat. She said her concern is you cannot regulate the size of the boat of a renter. Her other concern is a variance is for unusual circumstances. The fact that Mr. Bevis does not want to request the neighbor to move the boat encroaching into their riparian rights is not a reason to grant a variance. Mr. Bevis reported the duplex is 3 bedrooms 2 baths on one side and 2 bedrooms one bath. When leasing the smaller side the owner instructs the renter they must have a smaller boat. Chairperson Troiano answered renters don't always comply with the owner's restrictions, but instead, impact the neighborhood. It is seen all the time. Board Member Raspe said there is a fish cleaning table and 2 x 6 beam going across that would need to be moved over by one set of pilings. This would deter anyone from docking a boat on the west side of the piling. The boat would be moored between the piling and the property line. Chairperson Troiano said if the property is split future owners will be denied the room for a boat. Board Member Lancaster said the neighbor's boat is encroaching now. If the variance is granted the neighbor will have to get a smaller boat. City Attorney Wright reported this is an issue at the end of a number of canals in the City. If the duplex is split the one on the left will just not be able to have a large boat. Board Member Raspe stated, if the variance is granted, he would stipulate the existing fish table be moved to the left between the third and fourth piling and put the 2 x 6 beam there so no one could dock a boat on the west side of the mooring piling.

Post Hearing Questions for a variance to Code of Ordinances Chapter 5,-Section 35 (10) of 5'0" and 20') for 2 mooring poles to match neighbors pilings permitted in 1987.

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

George Lancaster, yes. Gary Furtak, yes. Steve Decrow, yes. Joey Raspe, yes. Trudy Troiano, yes.

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

Question 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?

George Lancaster, yes. Gary Furtak, yes. Steve Decrow, yes. Joey Raspe, yes. Trudy Troiano, yes.

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. George Lancaster, yes. Gary Furtak, yes. Steve Decrow, yes. Joey Raspe, yes. Trudy Troiano, yes.

Furtak, yes. Steve Decrow, yes. Joey Raspe, yes. Trudy Troiano, yes.

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

George Lancaster, yes. Gary Furtak, yes. Steve Decrow, yes. Joey Raspe, yes. Trudy Troiano, no.

MOTION: Motion made by Board Member Raspe, seconded by Board Member Furtak, to approve a variance of 5'0" and 20'0" for 2 mooring poles, at the fourth piling, to match the neighbors pilings permitted in 1987 conditioned that the existing fish cleaning table be moved to the left between the third and fourth piling and put the 2 x 6 beam between the third and fourth piling so no one could dock a boat on the west side of the mooring piling
ON THE MOTION: Roll call vote. Unanimous approval

SWEAR in BOARD MEMBERS:

City Attorney Wright administered the oath of office to Gary Furtak and Steve Decrow.

ELECTION of OFFICERS:

Board Member Joey Raspe nominated Trudy Troiano for Chairperson. Gary Furtak nominated Joey Raspe for Chairperson. By a show of hands Joey Raspe was elected Chairperson.

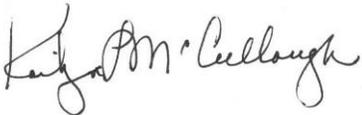
Chairperson Raspe nominated Trudy Troiano for Vice Chair. Trudy Troiano nominated Gary Furtak as Vice Chair. By a show of hands Trudy Troiano was elected Vice Chair.

ANY OTHER BUSINESS:

Chairperson Raspe reported it will be eleven months if the variance for 48 Sadowski is pushed to June. City Attorney Wright said the variance can come back sooner if Mr. Boersma is ready with the paperwork. He said it will have to be re-published and the neighbors within 300 feet will need to be re-notified because of the length of time since the first hearing. Chairperson Raspe asked if Mr. Boersma will be required to pay another application fee. City Clerk McCullough answered, based on her conversation with City Attorney Wright, another application fee will not be charged.

The meeting adjourned at 10:26 a.m.

Respectfully submitted,



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.