

MINUTES

KEY COLONY BEACH
CITY COMMISSION PUBLIC HEARING
Thursday September 26, 2019 9:30 a.m.
City Hall Auditorium

Call to Order, Pledge of Allegiance, Roll Call

The Public Hearing was called to order by Mayor DeNeale at 9:30 a.m.

Present: Mayor John DeNeale, Vice Mayor Ron Sutton, Commissioner Patti Trefry, Commissioner April Tracy and Commissioner Kimmeron Lisle.

Also Present: City Administrator Chris Moonis, City Clerk Becky Todd, City Attorney Tom Wright, Building Official Gerard Roussin, Assistant Building Official Ed Borysiewicz, Corporal Rodriguez, Fire Chief Johnson and Public Works Supervisor Greg Lawton. Public - 17.

Administration of Oath to Witnesses: City Attorney Wright swore in all present who would be addressing the variance request.

Disclosure of Ex-Parte Communications: None

Proof of Publication: City Clerk Todd affirmed the proof of publication.

Attorney Wright suggested that all 5 variance requests be presented together because of the fact all applications are essentially the same requesting a height variance due to the new FEMA flood maps and the difficulty they have designing a home that fits in the current permitted height restriction. The Planning and Zoning Board agreed all of these applications met the criteria for a variance. However, each variance will have to be voted on separately.

Assistant Building Official Roussin stated Mr. Peterson of 270 14th St. has visited the Building Department the last couple days and has expressed after reviewing the potential flood maps released he wants to present a request to increase the height variance agreed upon at the Planning & Zoning hearing. Assistant Building Official Roussin suggested the commission hear that application separately.

Planning & Zoning Board Member George Lancaster stated although the 5 variance applications submitted had different height requests all agreed to a 4' height increase stipulating that no mechanicals or anything else will be placed on the roof and the board unanimously approved the requests. Attorney Wright added the board also unanimously agreed that all criteria for the variance requests had been met.

1. Variance Application: 270 14th Street – James and Lori Peterson, owners

Applicant requests an amended variance to Land Development Regulations Chapter 101, Section 10 (8) for a 4'0" height variance for a new single family residence. The applicant further agrees there will be no mechanicals added to the roof. Current building height is 30'0".

Mr. Jim Peterson, 270 4th Street, stated his variance request was for a 7' height increase but he had agreed to a 4' increase at the Planning and Zoning Hearing. Since the hearing FEMA has released the new proposed flood maps and Mr. Peterson stated with the new information presented he requests to amend his variance to a minimum of a 5.5' height increase. Attorney Wright stated the new information was not presented to the Planning and Zoning Board and recommended the Commission consider remanding the case back to the Planning and Zoning Board for further review.

MOTION: Motion made by Vice Mayor Sutton, seconded by Commissioner Trefry to the remand the variance request back to the Planning and Zoning board.

ON THE MOTION: Roll call vote. Unanimous approval.

Correspondence and Public Comments:

Sandra Humphrey, 230 14th Street, stated her objection to raising building heights. Her concern is the affect it will have on the overall look and feel of the city.

City Clerk Todd reported receiving correspondence from property owners. Keith Craig, 270 14th Street, strongly objects to allowing a home to be built 7' above current code. Michael Felling, 300 12th Street, objects to allowing the variance request for 281 12th Street. Pat Joseph-Becker, 241 12th Street, stated although she is not pleased with owners requesting changes to the regulations she does not object to the request.

Franco D'Ascanio, 500 3rd St., stated he attended the Monroe County introduction to the flood maps. The flood levels are going to change across the board as well as freeboard and the datum points.

Assistant Building Official Roussin stated when the proposed flood maps were presented FEMA advised not to use them for current projects because they are still subject to change. The first official flood maps will be released the first week of December followed by a six month review period. After the review period the municipalities and counties have 90 days to appeal the maps. After the appeal period, the judgement period from FEMA may take upwards of another year, depending on the amount of appeals. The process will be timely but it is his recommendation to do whatever possible to get ahead of state and what's being provided by FEMA.

Commissioner Comments:

Mayor DeNeale stated he found the 4' increase authorized by variances in the past a good compromise to start with to keep their flood insurance down and prevent the homes from flooding but doesn't want to continually change the increases.

Vice Mayor Sutton stated he agreed in the beginning but with the release of the proposed FEMA flood maps he thinks homes should be permitted to build to 37-38 feet for safety reasons.

Commissioner Trefry stated she would like to see initiative to change the Land Development Regulations to increase the building height begin as soon as possible.

Commissioner Tracy agreed that an increase is needed stating the affect that it can have on flood insurance rates.

2. Variance Application: 281 12th Street – Jeffrey and Leslie Ryder, owners

Applicant requests an amended variance to Land Development Regulations Chapter 101, Section 10 (8) for a 4'0" height variance for a new single family residence. The applicant further agrees there will be no mechanicals added to the roof. Current building height is 30'0".

MOTION: Motion made by Commissioner Trefry, seconded by Commissioner Tracy to approve the variance request and adopt the findings regarding the criteria of the Planning and Zoning board and imposing the restrictions regarding mechanicals on the roof.

ON THE MOTION: Roll call vote. Unanimous approval.

3. Variance Application: 500 3rd Street – Franco D'Ascanio, owner

Applicant requests an amended variance to Land Development Regulations Chapter 101, Section 12 (8) for a 4'0" height variance for a new single family residence. The applicant further agrees there will be no mechanicals added to the roof. Current building height is 30'0".

MOTION: Motion made by Vice Mayor Sutton, seconded by Commissioner Tracy to approve the variance request and adopt the findings regarding the criteria of the Planning and Zoning board and imposing that no mechanicals will be added to the roof.

ON THE MOTION: Roll call vote. Unanimous approval.

4. Variance Application: 700 12th Street – The RJ 2016 Property Trust, owner

Applicant requests an amended variance to Land Development Regulations Chapter 101, Section 10 (8) for a 4'0" height variance for a new single family residence. The applicant further agrees there will be no mechanicals added to the roof. Current building height is 30'0".

MOTION: Motion made by Mayor DeNeale, seconded by Commissioner Tracy to approve the variance request and adopt the findings regarding the criteria of the Planning and Zoning board and imposing that no mechanicals will be added to the roof.

ON THE MOTION: Roll call vote. Unanimous approval.

5. Variance Application: 200 14th Street – LIG Key Colony Beach LLC, owner

Applicant requests an amended variance to Land Development Regulations Chapter 101, Section 10 (8) for a 4'0" height variance for a new single family residence. The applicant further agrees there will be no mechanicals added to the roof. Current building height is 30'0".

MOTION: Motion made by Mayor DeNeale, seconded by Vice Mayor Sutton to approve the variance request and adopt the findings regarding the criteria of the Planning and Zoning board and imposing that no mechanicals will be added to the roof.

ON THE MOTION: Roll call vote. Unanimous approval.

6. Variance Application: 48 Sadowski Causeway – Bradley Boersma, owner

Applicant requests variance to Code of Ordinances Chapter 5, Section 50 and Section 51(c) to construct a new seawall to be built 18” out from the existing seawall and built to a height 5’5” above the mean sea level. Applicant also requests a variance to Code of Ordinance Chapter 5 Section 35 (2) to rebuild the former dock destroyed by Hurricane Irma to be shifted 30’ to the east.

Planning and Zoning Board Member George Lancaster stated the variance request regarding moving the dock had been presented before to the board and was not approved because it was not clear whether he owned the sea bottom. He has since provided evidence of ownership and the board has reversed the denial and voted he has met the criteria of the variance request and they approved the dock variance. The applicant has agreed to step the seawall down approximately 12 feet to the neighbor’s property to prevent any runoff issue and the Building Official agreed it was within code and would improve the chances of not having a negative affect and the neighbor did approve the request. The board voted that it met all of the criteria and the request was passed unanimously. The board did not unanimously agree the criteria had been met for the eastern section of the seawall but it was approved by a 2/3 vote.

Bradley Boersma, owner of 48 Sadowski Causeway, stated the northern end of the Causeway is not a standard seawall as seen on the rest of the Causeway. It is boulder wall with a 4” cap and is frequently under water. He will be losing most of the 90 foot dock on the northern portion that used to be a wooden dock because he has to have a 6-10 foot cap per ordinance and will gain a 30’ section on the eastern section.

Correspondence and Public Comments: None

Commissioner Comments: Mayor DeNeale stated his support for the project.

MOTION: Motion made by Mayor DeNeale, seconded by Vice Mayor Sutton to approve the variance request and adopt the findings regarding the criteria of the Planning and Zoning board.

ON THE MOTION: Roll call vote. Unanimous approval.

The meeting adjourned at 10:49 a.m.

Respectfully submitted,

Rebecca Todd, City Clerk