

MINUTES
KEY COLONY BEACH
PLANNING AND ZONING BOARD
Regular Meeting and Variance Hearing
Wednesday, October 20, 9:31 a.m.
Marble Hall & Virtually via Zoom Conferencing

Call to Order/Pledge of Allegiance/Roll Call: The regular meeting of the Key Colony Beach Planning and Zoning Board was called to order by Chairperson Raspe at 9:31 a.m. followed by the Pledge of Allegiance.

Present: Chairperson Joey Raspe, Tom DiFransico, and Lin Walsh.

Also Present: City Administrator David Turner, City Clerk Silvia Gransee, Executive Assistant Saara Staten, City Attorney Dirk Smits, Building Official Gerard Roussin, Building Inspector Greg Lawton.

Excused: Mike Yunker, George Lancaster, Alternate Ron Anderson, and Alternate Steve DeCrow.

Public: 3 (Marble Hall) 2 (Virtually)

Citizen Comments and Correspondence: James Bush, 59 7th Street, commented on the requested variance for 57 7th Street.

Approval of Minutes: None.

Variance Requests:

Lot 9 Block 3 15th Circle - Owner: John & Karen Hotz

Applicant requests a Variance to Land Development Regulations Chapter 101, Section 10 (8) for a 6' ¾" height variance for a new single-family residence. Current maximum building height is 30'0".

Swear In Witnesses to Testify: City Clerk Silvia Gransee asked all persons giving testimony in the variance request to stand and raise their right hand. She asked all to swear the testimony they will give is the truth, the whole truth, and nothing but the truth. All replied I do.

Notice of Ex-Parte Communication: None.

Building Official Gerard reported on the variance request. Multiple height variance requests have become before the Committee regarding height variance requests during the time of proposed LDR changes. The requested height variance request from the owner is still under the proposed height change in the new LDR. The Building Department has no issues presenting this request to the City Commission and is looking forward to moving it along. Building Official Roussin added to his report, that the owner had noted on the application for Question 2 "No Hardship". Building Official Gerard Roussin explained that an actual hardship will exist if the variance will not be approved in regard to roof and flood elevation height changes.

Witness Ed Borysiewicz, former Building Inspector, spoke on behalf of the Hotz Family. Ed Borysiewicz stated that the proposed variance changes fall in line with other variances granted and he is in support of it.

Chairperson Joey Raspe proceeded to read the applicants questions and responses from the Application for Variance. City Attorney Dirk Smits explained that there must be evidence to constitute findings to support the granting of the variance. Chairperson Joey Raspe proceeded to read the original applicant questions again to allow Ed Borysiewicz to testify on the owner's behalf.

Question 1: Is there the good and sufficient cause that explains why this variance should be granted?

Yes. The changes in Flood Elevation Levels and the pitch of the roof and the design of the house is the reason for this request for a building height variance request. It has also been approved for many other structures.

Question2: What are the unnecessary hardships that would result if the variance were not grated?

Same answer. Redesign of the house would be needed.

Questions 3: If this variance is granted, would there be an increase to public expense that would not otherwise occur? Would it create a threat to public health and safety? Would it create a nuisance? Or cause fraud or victimization of the public?

The witness answered NO to all questions.

Question 4: What are the unique or peculiar physical/geographical circumstances or conditions that apply to the property, but do not apply to other properties in the same zoning district?

The increase of the flood plain requirements and aesthetics of the home. The building would not be aesthetically pleasing to look at.

Question 5: If the variance is granted, would it confer upon the applicant any special privilege that is denied to other properties in the immediate neighborhood in terms of the established development pattern?

No. Numerous similar height variances have been previously granted by the city.

The owner, Mr. Hotz, agreed with all answers the witness Ed Borysiewicz gave on his behalf. City Attorney Smits stated that Mr. Hotz can adopt the answers as his.

Post Hearing Questions for a Variance to Land Development Regulations Chapter 101, Section 10 (8)

Question 1: Has the applicant shown good and sufficient cause to grant the variance? Tom DiFransico– yes, Lin Walsh – yes, and Joey Raspe – yes.

Question 2: Will denial of the variance result in unnecessary hardship to the applicant? Tom DiFransico– yes, Lin Walsh – yes, and Joey Raspe – yes.

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? Tom DiFransico– yes, Lin Walsh – yes, and Joey Raspe – 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? Tom DiFransico– yes, Lin Walsh – yes, and Joey Raspe – yes.

Question 5: Granting this variance would not confer any special privileges in terms of established development in the immediate neighborhood? Tom DiFransico– yes, Lin Walsh – yes, and Joey Raspe – yes.

MOTION: Motion made by Tom DiFransico, seconded by Lin Walsh, to approve the variance as requested by Lot 9 Block 3 15th Circle.

ON THE MOTION: Roll Call Vote. Unanimous Approval.
Any Other Business: None.

Any Other Business: None.

The meeting adjourned at 9:54 am.

Respectfully Submitted,

Silvia Gransee

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City Clerk