

MINUTES
PLANNING & ZONING BOARD
REGULAR MEETING AND PUBLIC HEARING

Wednesday, September 21, 2022 - 9:30 a.m.
Temporary City Hall & Virtually via Zoom Conferencing

1. Call to Order/Pledge of Allegiance/Roll Call: Chairperson Joey Raspe called the meeting to order at 9:30 a.m. in the morning followed by the Pledge of Allegiance and Roll Call.

Present: Chair Joey Raspe, Vice-Chair George Lancaster, Tom DiFransico, Mike Yunker. **Excused:** Lin Walsh. **Also Present:** City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Janette Smith (virtual), Building Official Gerald Leggett.

Public Attending: 0 in person, 2 virtual

2. Approval of Minutes - Planning & Zoning Board Meeting Minutes from July 2022.

MOTION: Motion made by George Lancaster, seconded by Mike Yunker, to approve the minutes from the July 20, 2022, Planning & Zoning Meeting.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

3. Administration of Oath to Witnesses: City Clerk Silvia Gransee administered the Oath of Witness to all persons testifying.

4. Citizen Comments and Correspondence – City Clerk Silvia Gransee reported receiving correspondence from Kathy and Chris Bloch, 66 7th Street, in support of the setback variance request.

There were no citizen comments.

5. Disclosure of Ex-Parte Communication – None.

6. Proof of Publications: All affidavits and legal notices were accepted as sufficient.

7. VARIANCE REQUEST: 66 7th Street - Owner: Robert & Gail Adams

Applicant requests a Variance to Land Development Regulations Article III., Section 101-26; requesting approval for a 5’ setback for an inground pool addition to the property. Current setback requirements are 10’.

a. Presentation of Variance Request – Building Official Gerald Leggett presented the variance request to the Board. Building Official Leggett asked the owner, Mr. Adams, for confirmation that the accurate depiction of the pool drawing is presented on page 17 of the application. Mr. Adams confirmed the Building Officials question. Building Official Leggett further make clear that, per building codes, the gates should swing away from the body of water. Mr. Adams stated that this will be taken care of. Building Official Leggett confirmed that this applies to both gates.

City Attorney Smith stated for the record that the correct site plan submitted is on page 17, and the request for change is that the gates have to open the opposite direction than what is depicted on the page. The parties agreed to

the statement.

Chair Joey Raspe stated to Mr. Adams that the gates have to close automatically once opened which Mr. Adams acknowledged as understood. Building Official Leggett asked Mr. Adams to submit corrected drawings with his permit application to which Mr. Adams agreed upon.

The Board continued addressing questions on setback requirements and required distances for the boardwalk, seawall, and pool. City Attorney Janette Smith asked Building Official Leggett to confirm that the setback from the back of the property is 10 feet which Building Official Leggett confirmed. City Attorney Smith asked Mr. Adams to confirm his testimony that the drawings depict that the 10-foot setback will not encroach on the water side of the property. City Attorney Janette Smith asked Mr. Adams as to when he is correcting the site plan to include the measurement from the edge of the pool, which is the walkway, down to the seawall which is considered the edge of the property. The Building Official and Mr. Adams confirmed City Attorney Smith's statement. City Attorney Janette Smith stated to the Board that this will give a clear understanding of the drawings, including the location of the pool and what the applicant is asking for in his request.

b. Statement by Applicant: *Mr. Adams stated to the Board that his family is currently transitioning to Key Colony Beach fulltime and the pool will help with rehabilitation due to personal health issues and injuries. Mr. Adams further stated that he understands the limited space but believes it would add to the property value in all of the neighborhood. Mr. Adams thanked the Board and further stated that he will have the updated drawings in the next few days.*

Building Official Leggett asked Mr. Adams to clarify if the 5-foot setback is to the edge of the concrete or to the body of water, which Mr. Adams confirmed it to be to the edge of the concrete. Building Official Leggett further asked for confirmation that the concrete width edge to edge is 10 feet and the body of water would not be 10-foot which Mr. Adams confirmed as an accurate description. Board Member Mike Yunker asked Building Official Leggett if the setback goes to the body of water or to the concrete structure to which Mr. Leggett stated as the edge of structure. The Board continued discussions on setback requirements. City Attorney Smith asked Mr. Adams to confirm the size of the concrete going around the pool as 1-foot and the width of the pool as 8-feet which Mr. Adams confirmed. City Attorney Janette Smith asked Mr. Adams to have these measurements depicted on the site plan as well. The Board further discussed the type of coping that will be used around the pool.

Chair Joey Raspe read the applicants Questions & Responses. Chair Raspe further stated that because a variance has been granted in the past, does not automatically lead to a variance being granted. Chair Raspe stated that each variance request is treated as an individual case.

City Administrator Dave Turner asked City Attorney Janette Smith if a stipulation can be made based upon the drawings to be corrected and depict exactly what has been discussed. City Attorney Smith stated that it is reflected in the record that the applicant will update the drawings showing that the gates will automatically close away from the pool on both sides, in addition to showing the setbacks from the seawall, as well as showing the sides of the coping, and the actual size of the body of water of the pool.

City Attorney Smith explained that all these items should show as satisfied prior to the variance request being presented to the City Commission.

City Attorney Janette Smith further explained that these stipulations are part of the minutes and as such part of the condition of the recommendation.

The Board further discussed if other circumstances comparable to this request have been approved in the past.

The applicant, Mr. Adams, agreed to submitting the updated drawings by October 3rd, 2022, prior to the City Commission Public Hearing on October 20, 2022.

Board Member Mike Yunker asked if the Building Department had any objections to the application which Building Official Leggett said there were none.

c. Post Hearing Questions:

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

Roll call: Mike Yunker – yes, George Lancaster – yes, Tom DiFransico – yes, Joey Raspe – yes. Roll call vote: Unanimous approval.

2. Will denial of the variance result in unnecessary hardship to the applicant?

Roll call: George Lancaster – yes, Tom DiFransico – yes, Mike Yunker – yes, Joey Raspe – yes. Roll call vote: Unanimous approval.

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?

Roll call: Tom DiFransico – yes, Mike Yunker – yes, George Lancaster – yes, Joey Raspe – yes. Roll call vote: Unanimous approval.

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?

Roll call: Tom DiFransico – yes, Mike Yunker – yes, George Lancaster – yes, Joey Raspe – yes. Roll call vote: Unanimous approval.

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

Roll call: Mike Yunker – yes, George Lancaster – yes, Tom DiFransico – yes, Joey Raspe – yes. Roll call vote: Unanimous approval.

d. Planning & Zoning Board Recommendation:

MOTION: Motion made by Tom DiFransico, seconded by Mike Yunker, to recommend approval for the requested variance for 66 7th Street with said stipulations.

ON THE MOTION: Roll Call vote. Unanimous approval.

The Planning & Zoning Board recommends to the City of Key Colony Beach Board of Commissioners for the requested variance for the property at 66 7th Street to be granted with said stipulations.

8. Any Other Business – None.

9. Adjourn - The meeting adjourned at 9:54 a.m.

Respectfully submitted,

Silvia Gransee

City Clerk

ADOPTED: November 16, 2022 – Silvia Gransee/City Clerk