

MINUTES
PLANNING & ZONING BOARD
REGULAR MEETING AND PUBLIC HEARING

Wednesday, November 16, 2022, 9:30 a.m.
Temporary City Hall & Virtually via Zoom Conferencing

1. Call to Order, Pledge of Allegiance & Roll Call: *The Planning & Zoning Meeting was called to order by Chair Joey Raspe at 9:38 a.m. in the morning, followed by the Pledge of Allegiance and Roll Call.*

Present: *Chair Joey Raspe, Vice-Chair George Lancaster, Tom DiFransico, Lin Walsh. Excused: Mike Yunker. Also Present: City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Janette Smith (virtual), City Attorney Dirk Smits (Virtual), Building Official Gerald Leggett, Building Assistant Trish McLeod, Code Enforcement Officer Barry Goldman.*

Public Attending: *6 in person, 2 virtual*

2. Approval of Minutes:

MOTION: *Motion made by Tom DiFransico, seconded by George Lancaster, to approve the Planning & Zoning meeting minutes from September 21, 2022.*

DISCUSSION: *None.*

ON THE MOTION: *Rollcall vote. Unanimous approval.*

3. Administration of Oath to Witnesses: *City Clerk Gransee administered the Oath of Witness to all planning on testifying.*

4. Citizen Comments and Correspondence: *City Clerk Gransee reported on all correspondence received. There were no additional comments.*

5. Disclosure of Ex-Parte Communication: *None.*

6. Proof of Publications: *The publications were accepted.*

7. VARIANCE REQUEST: *68 7th Street, Owner: Chad O'Rourke*

Applicant requests a Variance After-The-Fact to Land Development Regulations Chapter III, Section 101-13, Subsection (8); requesting approval for an after-the-fact variance in height, width, and depth for the construction of a Tiki Hut on top of the roof top deck.

Chair Joey Raspe excused himself from the proceedings due to a conflict of interest. Form 8B is attached to these minutes in compliance with Florida Statutes 112.3143.

Vice-Chair George Lancaster presided over the meeting following Chair Raspe's recusal.

Vice-Chair Lancaster read the variance application as well as the applicants Questions and Responses document.

a. Presentation of Variance Request – Building Department: *Building Official Leggett reported on the variance application and the original permit that was received for the structure. Building Official Leggett reported that the*

contractor and owner were informed of the code violation and that the after-the-fact variance application was submitted thereafter. Further discussion followed on current height limitations and the actual height of the house. Building Official Leggett explained that the actual variance for height would be 14.75 feet. The Board further discussed the previous structure that was on top of the house and agreed that it was a non-conforming structure. City Administrator Turner further explained the history of the original building and it being non-conforming from the beginning. The applicant explained the structure of the roof to the Board. The Board and Building Official further discussed the compliance of the overhang and that the issue at hand is only the height. City Administrator Turner explained that there will be an additional Townhall Meeting on the question on height changes and LDR's. The Board discussed that with the approval of the LDR's the variance would not be needed.

b. Statement by Applicant: Mr. Chad O'Rourke explained the history of the house and how the determination of constructing the structure on the deck was made due to water intrusion in the house. The Board clarified that the issue at hand is height only and not the structure itself.

A citizen attending the meeting asked to speak to the board. Mr. Gin Gilbertsum stated he is a resident and commented on the topic on having a tiki on top of a roof. The Building Official explained the requirements needed to receive approval. City Administrator Turner further explained the anticipated height changes and benefits on flood insurance costs with CRS changes. Mr. Gilbertsum further stated his views on the topic. City Clerk Gransee explained the procedure on citizen comments and encouraged Mr. Gilbertsum to attend the Townhall meeting in December.

Mr. Gilbertsum stated his disagreement to the variance to the board.

Board Member Tom DiFransico asked on details on the LDR's and what changes were made in regard to livable space. The City Administrator explained details on the new LDR's and how rebuilding would be affected. Further discussion followed.

c. Applicant Questions & Responses - (see a)

d. Post Hearing Questions

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

George Lancaster	Yes
Lin Walsh	Yes
Tom DiFransico	Yes

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

George Lancaster	Yes
Lin Walsh	Yes
Tom DiFransico	No

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?

Lin Walsh	Yes
Tom DiFransico	Yes

George Lancaster Yes

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

George Lancaster Yes

Lin Walsh Yes

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

George Lancaster Yes

Lin Walsh Yes

Tom DiFransico Yes

e. Planning & Zoning Board Recommendation

MOTION: Motion made by Lin Walsh, seconded by George Lancaster, to recommend for the requested variance for 68 7th Street to be approved.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Lin Walsh – yes, Tom DiFransico – no, George Lancaster – yes. The motion passed two to one.

Final Recommendation: The Planning & Zoning Board recommends to the City of Key Colony Beach Board of Commissioners for the requested variance for the property at 68 7th Street to be approved.

8. Any Other Business

Chair Joey Raspe stated to the Board that he would like to address Vice-Mayor Harding’s request to look into setback requirements for the R2B zone which includes the Causeway, Clara and Coral, and 7th Street. Chair Joey Raspe explained the reasoning behind the request is due to smaller properties having to file for variances for swimming pools. The City Administrator explained the benefits for residents in saving money and time. The Board and Building Official continued discussion on purpose for setback requirements and what changes could be implemented. Further discussion followed on limitations to the R2B zone. The Board agreed upon adding the topic unto the next Planning & Zoning Agenda for discussion. City Administrator Turner stated that staff will assist in obtaining supporting materials and also that the topic will be placed on the Townhall meeting agenda on December 12th.

City Administrator Turner further explained the status of the LDR’s and Comprehensive Plan, the planned Townhall meeting, and first Commission meeting in January for a second reading.

9. Adjourn: The meeting adjourned at 10:28 a.m.

Respectfully submitted,

Silvia Gransee
City Clerk

ADOPTED: January 18, 2022 – Silvia Gransee, City Clerk