

MINUTES
PLANNING & ZONING BOARD
REGULAR MEETING & PUBLIC HEARING

Wednesday, January 18, 2023 - 9:30 a.m.
City Hall Annex Trailer & Virtually via Zoom Conferencing

1. Call to Order, Pledge of Allegiance & Roll Call: *The Key Colony Beach Planning & Zoning meeting was called to order by George Lancaster at 9:30 am in the morning, followed by the Pledge of Allegiance and Rollcall. Present: Mike Yunker, George Lancaster, Lin Walsh, Tom DiFransico, Bob Glassman. Also Present: City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Janette Smith (virtual), Building Official Gerald Leggett, Building Assistant Trish McLeod.*

Public attendance: 4 City Hall Annex

2. Swearing in of Newly Elected and Re-Appointed Officials: *City Clerk Gransee administered the Oath of Office to Lin Walsh and Bob Glassman.*

3. Election of Chair & Vice-Chair: City Clerk Gransee: *City Clerk Gransee explained the election process to the Board and asked for a nomination for Chair of the Planning & Zoning Board.*

Mike Yunker nominated George Lancaster for Chair.

There were no other nominations.

City Clerk Gransee asked for a show of hands in support of George Lancaster for Chair.

All board members raised their hand.

George Lancaster was elected as Chair for the Planning & Zoning Board.

City Clerk Gransee asked for a nomination for Vice-Chair.

Mike Yunker nominated Tom DiFransico for Vice-Chair.

There were no other nominations.

City Clerk Gransee asked for a show of hands in support of Tom DiFransico for Vice-Chair.

All Board members raised their hands.

Tom DiFransico was elected as Vice-Chair for the Planning & Zoning Board.

City Clerk Gransee turned the meeting over to Chair George Lancaster.

4. Citizen Comments & Correspondence: *Cit Clerk Gransee reported no citizen correspondence. There were no citizen comments in the audience or via Zoom.*

5. Approval of Minutes: Planning & Zoning Board Meeting Minutes – November 16, 2022: *The Chair accepted the minutes as written.*

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

7. Disclosure of Ex-Parte Communication: *None were reported*

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

Applicant requests a variance to the City of Key Colony Beach Code of Ordinances Chapter 101, Section 26 (11), to allow the rebuilding of a currently installed pool to be installed within the 10' setback to 5' from the neighboring property line at 66 7th Street. The current setback requirements are 10' feet.

a. **Proof of Legal Publications & Affidavits of Mailing/Posting:** The publications were accepted as legally sufficient.

b. **Presentation of Variance Request:** Building Official Lenny Leggett presented the variance request to the Board and stated no objections from the Building Department. The Board asked for clarification on dimensions in the submitted plans. The Building Official explained the question and stated no problems with the plans. Mr. O'Rourke gave further input on dimensions and stated support from the homeowner adjacent to his house.

c. **Statement by Applicant:** Mr. Rourke presented his variance request to the Board, support of neighbors, and reasoning for the pool replacement. Building Official Leggett stated similar requests were received in the past and passed. Building Official Leggett answered additional questions on structural engineering. City Clerk Gransee informed receiving a letter of support for Mr. O'Rourke addressed to the City Commission. City Clerk Gransee explained informing the sender of the upcoming Planning & Zoning and inviting him to send a letter of support to the Board.

d. **Applicant Questions & Responses:** The applicant questions and responses were included in the agenda packet. City Attorney Smith clarified that the applicant questions and responses did not have to be read into the public record as they were included in the agenda packet. Chair Lancaster accepted the applicant questions and responses into the record.

e. **Post Hearing Questions:** Chair Lancaster read the Post Hearing Questions.

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

Mike Yunker	Yes
George Lancaster	Yes
Lin Walsh	Yes
Tom DiFransico	Yes
Bob Glassman	Yes

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

Bob Glassman	Yes
George Lancaster	Yes
Lin Walsh	Yes
Tom DiFransico	Yes
Mike Yunker	Yes

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
Bob Glassman	Yes
Tom DiFransico	Yes
Mike Yunker	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
Mike Yunker	Yes
Bob Glassman	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?

Mike Yunker	Yes
George Lancaster	Yes
Lin Walsh	Yes
Bob Glassman	Yes
Tom DiFransico	Yes

f. Planning & Zoning Board Recommendation: Chair Lancaster asked for a motion of approval.

MOTION: Motion made by Tom DiFransico, seconded by Bob Glassman, to approve the variance request for 68 7th Street.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Gransee informed the applicant that the City Commission will hear his request for a variance on February 16th, 2023.

9. Discussion/Approval on Recommendations to the City Commission on Pool Setback Changes for R2B Zones.

Building Official Leggett explained the item up for discussion to the Board. Building Official Leggett explained current setback requirements and request to change. City Administrator Turner further clarified that the changes would only apply to pool setbacks and that the money savings for resident homeowners. City Administrator Turner confirmed that he is only aware of variance requests for pool setback changes in the R2B zone and continued to show the R2B zone on the map. Discussion followed on expanding the setback change city wide. Building Official Leggett stated his opinion that he does not believe the same hardship applies to other zones in the City. There were no further questions and Chair Lancaster asked for a motion.

MOTION: Motion made by Mike Yunker, seconded by Tom DiFransico, to recommend the approval of the pool side setback changes to 5 feet in the R2B zone to the City Commission.

DISCUSSION: The Board discussed if only sides are being discussed or all direction setbacks. The City Administrator explained the main concern to be duplex homes on both sides to the fence in the center. Further discussion followed on which type of setback to approve.

ON THE MOTION: Rollcall vote. Unanimous approval.

Final Recommendation: *The Planning & Zoning Board recommends to the City of Key Colony Beach Board of Commissioners to change the pool side setback requirements from 10 feet to 5 feet in the R2B Zone.*

10. Any Other Business: *None.*

11. Adjourn: *The meeting adjourned at 9:59 am.*

Respectfully submitted,

Silvia Gransee

City Clerk

ADOPTED: *April 19, 2023*

Silvia Gransee

City Clerk