

**Planning Commission
Agenda
November 5, 2015
6:30 p.m.**



*Robert Froehling, Chairman
Doug Smith
Keith Raym
Charles Kish*

*Dee Atkins
Robert Mercer, Vice Chair
Phillip Jannarone*

1. **Roll Call**

Chairman Froehling called the meeting to order at 6:30 p.m.

Commissioners Present: Chairman Froehling, Vice Chairman Mercer, Commissioner Smith, Commissioner Raym, Commissioner Jannarone, Commissioner Dluhy, Commissioner Phelan, Commissioner Atkins, Commissioner Kish

Commissioners Absent: None

Staff Present: Planning Director Jackie Gorman, City Attorney Liz Martin, City Clerk Mia Fink

2. **Moment of Silence**

Chairman Froehling held a moment of silence.

3. **Pledge of Allegiance**

Chairman Froehling led in the Pledge of Allegiance.

4. **Adoption of Agenda**

Motion to adopt the Agenda was made by Vice Chairman Mercer, seconded by Commissioner Smith. Motion carried unanimously.

5. **Approval of Minutes - August 6, 2015 and September 3, 2015**

Motion to approve the minutes of the meeting held August 6, 2015 and September 3, 2015 was made by Vice Chairman Mercer; seconded by Chairman Froehling. Motion carried unanimously.

6. Citizen Input

7. Public Hearing - (Quasi-Judicial)

V2015-01 - Saez - 1620 NW 20th Avenue

Requesting a Variance from the requirements of Section 5.01.07(G) - Accessory Structures (covered boathouse) of the land Development code reducing the required side yard setback from 5' to 0'.

Chairman Froehling read into the record the following instructions to the Commission:

If any individual plans to speak or offer testimony during any of the public hearings listed on the agenda, which are quasi-judicial in nature, please rise and be sworn in by the Clerk.

Ms. Gorman, Mr. Kramer and City Attorney Martin were sworn in by the City Clerk.

Chairman Froehling continued with the quasi-judicial procedure:

Please note that only competent, substantial, fact-based testimony or evidence will be considered by the Commission in deciding the quasi-judicial matters listed on today's agenda. Pure speculation or mere opinion, not based on competent facts, cannot be legally considered by the Commission in weighing the appropriateness of the quasi-judicial application. Lay testimony with fact-based support (e.g. minutes, surveys, engineering reports, etc.) may be considered competent and substantial evidence. If you intend to speak or offer testimony on a public hearing agenda item that is "quasi-judicial", please

keep this in mind. Finally, when you approach the podium to speak on a quasi-judicial matter please state your name, complete physical and mailing address, and whether or not you have been sworn in.

Conflict of Interest Disclosure: All Commissioners responded there were none.

Ex Parte Communications: All Commissioners responded that there were no communications, written or verbal, related to this item.

Expert Witnesses: There were none

Testimony:

Liz Martin, City Attorney- Hogan Law Firm- 20 S. Broad Street, Brooksville, FL 34601- Advised Commissioners of their role, which is to deliberate upon the variance request and come to a final decision.

Jackie Gorman, Planning Services Director- 123 NW Hwy. 19, Crystal River, FL 34429- Provided a brief overview of the Variance request #V2015-01, and presented the staff report pertaining to the item regarding information regarding the owner's plan for property utilization and addressed questions from the Commission.

Applicant's Presentation-

Dillon Kramer, Marlin Marine- 5473 S Garcia Road- Homosassa- Provided explanation of the variance request related to the construction of a dock, and resulting from the lot and slip configuration of both the applicant and the neighbor, whose access would be cut off if the dock were kicked out further to meet setback requirements. He advised that the neighbor has provided written support of the requested variance and answered questions from the Commissioner's.

Commission discussion followed pertaining to the criteria of a hardship, alternative design options and the need for the variance.

Motion to approve Variance request #V2015-01 at 1620 NW 20th Avenue was made by Commissioner Atkins; seconded by Vice Chairman Mercer.

Ms. Gorman noted that due to the irregularly shaped boat slip, kicking the dock out further would create a problem in the canal.

City Attorney Martin noted that when deliberating variance applications, the request must meet all ten of the hardship requirements to be granted.

Ms. Gorman further defined the term "positive finding" in relation to City variance requests.

Commission discussion continued.

Public Comments: There were none.

Intervening Parties: There were none.

Applicant's Rebuttal: Letter of support from the neighbor was read into the record (attached).

Roll Call Vote:

Y- Kish

N- Smith

N-Jannarone

N- Froehling

Y- Mercer

Y- Atkins

Y- Raym

Motion carried 4-3 on a Roll Call Vote.

8. Unfinished Business

9. New Business

10. Staff Comments

Ms. Gorman advised that comments regarding Ordinance No. 15-O-12, Large Scale Comprehensive Plan Amendment for East Bald Eagle Properties are back from the Department of Economic Opportunity, and the final public hearing will be on

an upcoming City Council meeting agenda. She also advised that a proposed CRA Overlay District is upcoming for Planning Commission review.

City Manager Burnell commended the Commission for their decorum.

Chairman Froehling requested that Mr. Burnell attend the meeting during which the CRA overlay district will be discussed.

11. Commissioner's Comments

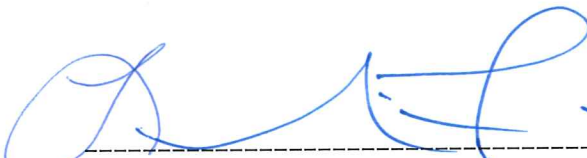
Commissioner Jannarone thanked staff for the acknowledgement of his eightieth birthday.

12. Chairman's Comments

Thanked Commissioners for their decorum.

13. Adjournment

Motion to adjourn was made by Commissioner Kish; seconded by Commissioner Atkins. Motion carried unanimously. Meeting was adjourned at 7:28 p.m.



MIA FINK, CITY CLERK



ROBERT FROEHLING, CHAIR