

AGENDA

KEY COLONY BEACH CITY COMMISSION

PUBLIC HEARING

Thursday, April 17th, 2025, 9:30 am

Marble Hall, 600 W. Ocean Drive, Key Colony Beach

& via Zoom Conferencing

[Zoom login Information at the end of this Agenda](#)

1. ***Call to Order, Pledge of Allegiance, Prayer & Roll Call***
2. ***Approval of Agenda (Additions, changes, and deletions can be made via one motion and a second to approve by majority vote)***
3. ***Citizen Comments & Correspondence***
4. ***Administration of Oath of Witnesses***
5. ***Disclosure of Ex-Parte Communication – Pg. 1***
6. ***Variance Request(s):***
 - a. ***Variance Request: A Variance Request by Joseph Suarez, Agent to the Property Owner 15th Circle LLC, Owner of the property located at 230 15th Circle, Key Colony Beach, Florida 33051, for the construction of a 5-foot reinforced concrete retaining wall.***
 - a. *Proof of Legal Publications & Affidavits of Mailing/Posting – Pgs. 2-6*
 - b. *Planning & Zoning Board Recommendation – Pg. 7*
 - c. *Planning & Zoning Board Meeting Minutes – Pgs. 8-12*
 - d. *Presentation of Variance Request – Building Department – Pgs. 13-24*
 - e. *Motion to approve, deny, or approve with conditions*
 - b. ***A Variance Request by Joseph Suarez, Agent to the Property Owner 15th Circle LLC, Owner of the property located at 260 15th Circle, Key Colony Beach, Florida 33051, for the construction of 2 (two) T-shaped docks along the existing seawall.***
 - a. *Proof of Legal Publications & Affidavits of Mailing/Post – Pgs. 25-29*
 - b. *Presentation of Variance Request - Building Department – Pgs. 30-41*
 - c. *Recommendation by the Planning & Zoning Board - Pg. 42*
 - d. *Planning & Zoning Board Meeting Minutes – Pgs. 8-12*
 - e. *Motion to approve, deny, or approve with conditions*
7. ***Other Business***
8. ***Adjourn***

*This meeting will be held at the City Hall Auditorium 'Marble Hall',
600 W. Ocean Drive, Key Colony Beach, Florida 33051,
and via Zoom*

<https://us02web.zoom.us/j/82821489941?pwd=hwbmOUV0z3UYjaDAMVcnb2U0lhO2HK.1>

Passcode: 819418

EX-PARTE COMMUNICATIONS

An ex-parte communication is defined as:

any contact, conversation, communication, writing, correspondence, memorandum or any other verbal or written communication that takes place outside a public hearing between a member of the public and a member of a quasi-judicial board, regarding matters which are to be heard and decided by said quasi-judicial board.

Site visits and expert opinions are also considered ex-parte communications.

In the event that someone contacts a Board Member about a quasi-judicial matter outside of a public meeting, at such time that particular issue is brought before the Board, the Board Member should state on the record:

- the existence of any ex-parte communication,
- the nature of the communication,
- the party who originated the ex-parte communication, and
- whether or not the ex-parte communication affects your ability to impartially consider the evidence presented.

Similarly, any correspondence received by a Board Member must be forwarded to the Board Clerk.

Note: The term “Board Member” would include all members of the Code Enforcement Board, the Planning & Zoning Committee, and the City Commission when they are acting in a quasi-judicial capacity (for example, but not limited to, code violation hearings and variance hearings).

AFFIDAVIT OF MAILING

STATE OF FLORIDA
COUNTY OF MONROE

Before me, the undersigned authority personally appeared Cheryl Baker, who, having been first duly sworn according to law, deposes and says:

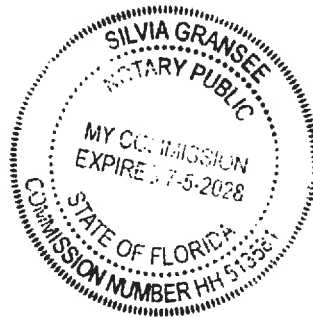
1. I am the Administrative Assistant to the City Clerk for the City of Key Colony Beach.
2. I hereby confirm that on the 12 day of February, 2025 (no less than 30 days prior to the Planning & Zoning Public Hearing on March 19, 2025, and the City Commission Public Hearing on April 17, 2025) I mailed the Notice of Hearing by first class U.S. mail to the address on file with the Monroe County Property Appraiser's Office for all property owners within 300 feet of the property at 230 15th Circle, Key Colony Beach, Florida, 33051.

Cheryl Baker

Signature

Sworn and subscribed before me this
12 day of February, 2025.

Silvia Gransee
Notary Public, State of Florida
My commission expires: 7-5-2028



Personally known

Produced _____ as identification

City of Key Colony Beach

PO Box 510141 Key Colony Beach, Florida • Phone # 305-289-1212 • Fax# 305-289-1767



To: Property Owners within 300 feet of 230 15th Circle
From: The City of Key Colony Beach
Key Colony Beach Planning & Zoning Board and the Key Colony Beach City Commission

**NOTICE IS HEREBY GIVEN,
THAT THE CITY OF KEY COLONY BEACH WILL BE HOLDING
PUBLIC HEARINGS ON:**

DATE/TIME:

Planning & Zoning Hearing: Wednesday, March 19th, 2025, 9:30 A.M.
City Commission Public Hearing: Thursday, April 17th, 2025, 9:30 A.M.

LOCATION:

City of Key Colony Beach
City Hall Auditorium 'Marble Hall'
600 W. Ocean Drive, Key Colony Beach, Florida 33051,

To hear a Variance Request from Joseph Suarez, Agent to the Property Owner 15th Circle LLC, Owner of the property located at 230 15th Circle, Key Colony Beach, Florida 33051. This meeting will be available via Zoom Meetings. Members of the public who wish to attend virtually may email the City Clerk at cityclerk@keycolonybeach.net or call 305-289-1212, Ext. 2 for further instructions on attending via Zoom Meetings.

The applicant requests a variance to the Key Colony Beach Land Development Regulations, Chapter 2, Section 101-8, to construct a 5-foot reinforced concrete retaining wall at 230 15th Circle. The wall will allow the builder to stabilize the shoreline and prevent erosion. It is consistent with neighboring homes that have similar 5-foot retaining walls.

Interested parties may attend the Hearing and be heard with respect to the requested variance.

If any person decides to appeal any decision made by the City Commission of the City of Key Colony Beach with respect to any matter considered at the Variance Hearing, that person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you are unable to attend the Hearings on Wednesday, March 19th, 2025, or Thursday, April 17th, 2025, but wish to comment, please direct correspondence to the City Clerk at P.O. Box 510141, Key Colony Beach, FL 33051, or via email at cityclerk@keycolonybeach.net, and your comments will be entered into the record.

Mailed: On or before February 17th, 2025
City Clerk, City of Key Colony Beach

AFFIDAVIT OF POSTING

STATE OF FLORIDA
COUNTY OF MONROE

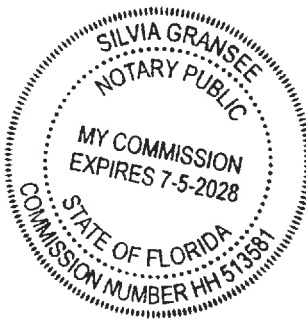
Before me, the undersigned authority personally appeared Cheryl Baker, who, having been first duly sworn according to law, deposes and says:

1. I am the Administrative Assistant to the City Clerk for the City of Key Colony Beach.
2. I hereby confirm that on the 27 day of February, 2025 (no less than 14 days prior to the Planning & Zoning Public Hearing on March 19, 2025, and the City Commission Public Hearing on April 17, 2025) I posted the Notice of Hearing for the property located at 230 15th Circle, Key Colony Beach, Florida, 33051, at the United States Postal Office and City Hall.

Cheryl Baker
Signature

Sworn and subscribed before me this
27 day of February, 2025.

Silvia Gransee
Notary Public, State of Florida
My commission expires: 7-5-2028



Personally known

Produced _____ as identification



Published Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

**STATE OF FLORIDA
COUNTY OF MONROE**

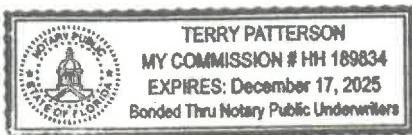
Before the undersigned authority personally appeared **JASON KOLER** who on oath, says that he is **PUBLISHER** of the **WEEKLY NEWSPAPERS**, a weekly newspaper published in Marathon, in Monroe County, Florida: that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of publication)

March 6, 2025

Affiant further says that the said **WEEKLY NEWSPAPERS** is a newspaper published at Marathon, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, once each week (on Thursday) and has been qualified as a second class mail matter at the post office in Marathon, in Monroe County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement. The affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s) and that The Weekly Newspapers is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.

Sworn to and subscribed before me this 6 day of MARCH 2025.
(SEAL)


Notary



NOTICE IS HEREBY GIVEN THAT THE CITY OF KEY COLONY BEACH WILL BE HOLDING PUBLIC HEARINGS ON: DATE/TIME: Planning & Zoning Hearing: Wednesday, March 19th, 2025, 9:30 A.M. City Commission Public Hearing: Thursday, April 17th, 2025, 9:30 A.M. LOCATION: City of Key Colony Beach City Hall Auditorium 'Marble Hall' 600 W. Ocean Drive, Key Colony Beach, Florida 33051 To hear a Variance Request from Joseph Suarez, Agent to the Property Owner 15th Circle LLC, Owner of the property located at 230 15th Circle, Key Colony Beach, Florida 33051. This meeting will be available via Zoom Meetings. Members of the public who wish to attend virtually may email the City Clerk at cityclerk@keycolonybeach.net or call 305-289-1212, Ext. 2 for further instructions on attending via Zoom Meetings. The applicant requests a variance to the Key Colony Beach Land Development Regulations, Chapter 2, Section 101-8, to construct a 5-foot reinforced concrete retaining wall at 230 15th Circle. The wall will allow the builder to stabilize the shoreline and prevent erosion. It is consistent with neighboring homes that have similar 5-foot retaining walls. Interested parties may attend the Hearing and be heard with respect to the requested variance. If any person decides to appeal any decision made by the City Commission of the City of Key Colony Beach with respect to any matter considered at the Variance Hearing, that person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If you are unable to attend the Hearings on Wednesday, March 19th, 2025, or Thursday, April 17th, 2025, but wish to comment, please direct correspondence to the City Clerk at P.O. Box 510141, Key Colony Beach, FL 33051, or via email at cityclerk@keycolonybeach.net, and your comments will be entered into the record. Published: On or before March 9th, 2025 City Clerk, City of Key Colony Beach Publish: March 6, 2025 The Weekly Newspapers

City of Key Colony Beach

PO Box 510141 Key Colony Beach, Florida • Phone # 305-289-1212 • Fax# 305-289-1767



March 19th, 2025

To: The City of Key Colony Beach Board of Commissioners

From: The Key Colony Beach Planning & Zoning Board

Re: Variance Request by Joseph Suarez, Agent for the Property Owner, 15th Circle LLC, Owner of the Property Located at 230 15th Circle, Key Colony Beach, Florida 33051, for the Construction of a 5-Foot Reinforced Concrete Retaining Wall.

The Planning & Zoning Board reviewed the applicant's request for a variance to the City of Key Colony Beach Code of Ordinances for the construction of a 5-foot reinforced concrete retaining wall.

After discussion, the Board voted on the Post-Hearing Questions as follows:

Post Hearing Questions Results:

- | | |
|-----------------------------------|--|
| 1) Chair George Lancaster | Yes on all 5 (five) Post Hearing Questions |
| 2) Vice-Chair Lin Walsh | Yes on all 5 (five) Post Hearing Questions |
| 3) Board Member Bob Glassman | Yes on all 5 (five) Post Hearing Questions |
| 4) Board Member Leonard Geronemus | Yes on all 5 (five) Post Hearing Questions |
| 5) Board Member Lynne Conkling | **absent |

MOTION: Motion made by Lin Walsh to approve. Leonard Geronemus seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Final Recommendation: The Planning & Zoning Board recommends that the City of Key Colony Beach Board of Commissioners approve the variance for the property located at 230 15th Circle.


George Lancaster, Planning & Zoning Board Chair

MINUTES
PLANNING & ZONING BOARD
REGULAR MEETING & PUBLIC HEARING

Wednesday, March 19th, 2025 - 9:30 am

Marble Hall, 600 W. Ocean Drive, Key Colony Beach, Florida 33051 & via Zoom Conferencing

1. **Call to Order, Pledge of Allegiance & Roll Call:** The Key Colony Beach Planning & Zoning Board meeting was called to order by Chair George Lancaster at 9:30 AM, followed by the Pledge of Allegiance and Rollcall. **Present:** Chair George Lancaster, Vice-Chair Lin Walsh, Bob Glassman, Leonard Geronemus. **Absent:** Lynne Conkling. **Also present:** Mayor Freddie Foster, City Administrator John Bartus, Building Official Tony Loreno, Administrative Assistant Tammie Anderson, City Clerk Silvia Roussin.

2. **Approval of the Agenda** (*Additions, changes, and deletions can be made via one motion and a second to approve by majority vote*)

City Clerk Roussin informed of the following agenda addition:

- A new Item 8: A request for the installation of a 13,000 lb. cradle-style boat lift at 45 7th Street.

There were no objections to the addition, and Chair Lancaster requested a motion to accept the agenda with the addition.

MOTION: Motion made by Chair Lancaster to approve the agenda. Bob Glassman seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

3. **Citizen Comments & Correspondence**

Jack Hotz gave comments on the variance request for the T-Docks. City Clerk Roussin asked for the discussion to be halted to follow the procedure of swearing in witnesses for the variance request. Chair Lancaster agreed.

4. **Approval of Minutes:** Planning & Zoning Board Minutes February 19th, 2025

Chair Lancaster asked for a motion to accept the minutes.

MOTION: Motion made by Bob Glassman to approve. Chair Lancaster asked for a second. Vice-Chair Walsh seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

5. **Administration of Oath of Witnesses:** City Clerk Roussin provided the Oath of Witness to Jack Hotz and Building Official Tony Loreno.

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

7. **Variance Request(s):**

a. **A Variance Request by Joseph Suarez, Agent to the Property Owner 15th Circle LLC, Owner of the property located at 230 15th Circle, Key Colony Beach, Florida 33051, for the construction of a 5-foot reinforced concrete retaining wall.**

1. **Proof of Legal Publications & Affidavits of Mailing/Posting**

Proof of publication was included in the agenda packet.

- 2. Presentation of Variance Request – Building Department**
- 3. Variance Application**

Chair Lancaster introduced the variance request and asked Building Official Loreno to elaborate. Building Official Loreno spoke on the requested variance and gave support from the Building Department.

4. Applicant Questions & Responses

Chair Lancaster read the applicant's questions and responses into the record and commented on the thoroughness of the answers. Chair Lancaster asked for comments from the Board. There were none, and Chair Lancaster asked City Clerk Roussin to read the Post-Hearing Questions.

5. Post-Hearing Questions

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

Bob Glassman	Yes
George Lancaster	Yes
Lin Walsh	Yes
Leonard Geronemus	Yes
Lynne Conkling	absent

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

George Lancaster	Yes
Lin Walsh	Yes
Leonard Geronemus	Yes
Lynne Conkling	absent
Bob Glassman	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
Leonard Geronemus	Yes
Lynne Conkling	absent
Bob Glassman	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.

Leonard Geronemus	Yes
Lynne Conkling	absent
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?

Lynne Conkling	absent
Bob Glassman	Yes
George Lancaster	Yes

Lin Walsh Yes
Leonard Geronemus Yes

6. Recommendation to approve, deny, or approve with conditions

Chair Lancaster asked for a motion to approve or disapprove the variance.

MOTION: Motion made by Lin Walsh to approve. Leonard Geronemus seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

b. A Variance Request by Joseph Suarez, Agent to the Property Owner 15th Circle LLC, Owner of the property located at 260 15th Circle, Key Colony Beach, Florida 33051, for the construction of 2 (two) T-shaped docks along the existing seawall.

1. Proof of Legal Publications & Affidavits of Mailing/Posting

Proof of publication was included in the agenda packet.

2. Presentation of Variance Request – Building Department

3. Variance Application

Chair Lancaster introduced the agenda item and asked Building Official Loreno to elaborate. Building Official Loreno spoke on the requested variance for the docks, provided details on setbacks for navigational waterways, and discussed the difficulties associated with navigability for a proposed boat lift. City Clerk Roussin clarified that the variance request pertains to the two T-Docks, not the boat lift. Building Official Loreno gave support for the installation of the docks and for addressing the boat lift in the future. Building Official Loreno informed that approval from the Army Corps was required for permission to conduct mangrove cutbacks. Chair Lancaster requested a review of a dredging map provided by John Hotz. John Hotz commented on prior dredging of the canal. John Hotz introduced himself on the record: John Hotz, 215 15th Circle. Bob Glassman asked about a shallow area in the canal. John Hotz reported that the dredging was not done correctly, with some shallow areas remaining in the canal. John Hotz gave further comment on the need to remove mangroves to build the docks and did not see the possibility of adding a boat lift in the future. Chair Lancaster asked John Hotz for clarification on his objections to the boat lift but not the dock. John Hotz confirmed his objections to the boat lift. Chair Lancaster explained that the boat lift is not for discussion and that the owner must request a separate request for approval. John Hotz gave further comments on neighboring properties and responsibilities for mangroves. Building Official Loreno confirmed the need for a variance for a boat lift and noted possible difficulties with having a boat at the location.

The provided dredge map prepared by Rapid Permits was entered into evidence.

4. Applicant Questions & Responses

Chair Lancaster read the applicant's questions and responses into the record. Chair Lancaster asked for further discussion. Bob Glassman asked about the location of a seawall on the property. Building Official Loreno confirmed no seawall on the canal and that the approval of the dock would follow the city's code and voiced uncertainty about the mooring of a boat.

The Applicant's representative, Joseph Suarez, joined the discussion. City Clerk Roussin administered the Oath of Office to Joseph Suarez. Joseph Suarez testified that the requested variance is for a dock that will be used for small boats, jet skis, or canoes. The Board had no questions for Joseph Suarez. Chair Lancaster asked City Clerk Roussin to read the Post-Hearing Questions.

5. Post-Hearing Questions

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

Bob Glassman	Yes
George Lancaster	Yes
Lin Walsh	Yes
Leonard Geronemus	Yes
Lynne Conkling	absent

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

George Lancaster	Yes
Lin Walsh	Yes
Leonard Geronemus	Yes
Lynne Conkling	absent
Bob Glassman	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
Leonard Geronemus	Yes
Lynne Conkling	absent
Bob Glassman	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.

Leonard Geronemus	Yes
Lynne Conkling	absent
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?

Lynne Conkling	absent
Bob Glassman	Yes
George Lancaster	Yes
Lin Walsh	Yes
Leonard Geronemus	Yes

6. Recommendation to approve, deny, or approve with conditions

Chair Lancaster asked for a motion.

MOTION: Motion made by Bob Glassman to approve. Chair Lancaster asked for a second. Leonard Geronemus seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

8. Agenda Addition: Discussion/Approval for the installation of a 13,000 lb. cradle-style boat lift for the property at 45 7th Street.

Chair Lancaster introduced the agenda item and asked Building Official Loreno to elaborate. Building Official Loreno explained the request for replacing an existing lift and confirmed that all necessary permits had been received. Chair Lancaster asked for a motion to approve.

MOTION: Motion made by Vice-Chair Walsh to approve. Bob Glassman seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

9. Next meeting: April 16th, 2025, at 9:30 AM

10. Adjourn: The meeting adjourned at 10:06 AM.

Respectfully submitted,

Silvia Roussin
City Clerk

DRAFT

CITY OF KEY COLONY BEACH
P.O. BOX 510141
KEY COLONY BEACH, FL 33051-0141
305-289-1212 FAX: 305-289-1767

APPLICATION FOR VARIANCE

APPLICANT: 15TH CIR LLC (305)-300-2804
Property Owner Name Phone Number

230 15TH Cir, Key Colony Beach, FL LOT: 7 BLK:3 SUBD NO 2
Street Address of Variance Lot Block Subdivision

13010 Mar St, Coral Gables, FL 33156
Mailing Address of Property Owner

Owners may have an agent complete this application and represent them at the hearings. In this case, owners must attach to this application a written, signed statement stating the name of the individual or business that may represent them in this matter.

Joseph Suarez (305)-300-2804
Agent Name Agent Phone Number

VARIANCE REQUESTED to: Land Development Regulations Chapter 2, Section 101-8
Code of Ordinances Chapter _____, Section _____

DESCRIPTION OF VARIANCE: Please describe the variance request in regard to type of structure, location on lot, distance from side, rear or front lot lines, or details of the variance, including the current rule in effect and the reason for the variance (for example, building would encroach into the setback by _____feet). Also state if this is for future construction or existing conditions.

Construction of a 5-foot reinforced concrete retaining wall at 230 15th Circle. The retaining wall will allow builder to stabilize the shoreline and prevent erosion. The project complies with all local regulations and is designed to protect and improve the property's functionality and waterfront integrity. This retaining wall is consistent with neighboring homes that have similar 5' retaining walls.

Please attach the following to this application:

- A sketch or site plan of the property showing the variance requested.
- Written responses to the five criteria (questions attached).
- Fee of \$700.00

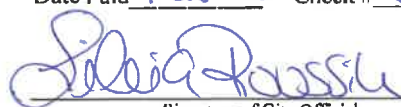
Signature of Applicant 

Office Use Only

Date Filed 1-30-2025

Date Paid 1-28-25 Check # 0024

Variance granted / denied on (date) _____


Signature of City Official

Applicant Questions and Responses-

Summarizing Land Development Code 101-171 (5)(a): Variances shall be approved only if the applicant can demonstrate a good and sufficient cause, that denial would result in unnecessary hardship, it will not be contrary to the public interest, that special conditions exist, and that it will not confer any special privilege on the applicant. Please see the attached pages for the entire city codes relating to Variances.

To assist the Planning & Zoning Committee and City Commission in evaluating this variance request, please answer the following questions:

1. What is the "good and sufficient cause" that explains why this variance should be granted?
The retaining wall at 230 15th Circle, Key Colony Beach, FL is essential for stabilizing the property due to its proximity to the water and the potential for erosion. Similar retaining walls exist in the neighborhood, including:

275 15th Circle: Built in 2022, a 346-foot retaining wall (3 x 304, 912 sq ft) with footing and masonry block.
210 15th Circle: Built in 1992, a 2 x 104-foot retaining wall (208 sq ft).
521 12th Street: Built in 1983, a 2 x 36-foot retaining wall (72 sq ft).
These examples demonstrate that retaining walls are not only common but necessary for properties with similar waterfront conditions in Key Colony Beach. The proposed 5-foot retaining wall aligns with established development patterns and is vital to preserving the stability and safety of the property.
2. What are the unnecessary hardships that would result if the variance is not granted? Without the variance, the property would face significant erosion, compromising its usability and structural integrity. This would result in substantial financial burdens for the property owner to address ongoing soil loss and repair damages caused by instability. Denial of the variance would also place the property owner at a disadvantage compared to neighboring properties that have been granted approval for retaining walls, thereby limiting the property's functional and market value.
3. If this variance is granted, would there be any 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? Approval of this variance would not lead to increased public expense, as the retaining wall is privately funded and maintained. On the contrary, it would enhance public safety by preventing erosion that could impact adjacent properties or infrastructure. The wall's design ensures it integrates seamlessly with the neighborhood, preventing any visual or physical nuisance. The variance would also not result in fraud or victimization, as it aligns with other permitted structures in the area.
4. What are the unique or peculiar physical/geographical circumstances or conditions that apply to this property, but do not apply to other properties in the same zoning district? The property's waterfront location and specific topography create unique challenges that necessitate the construction of a retaining wall to ensure stability and prevent erosion. Other properties in Key Colony Beach, such as 275 15th Circle, 210 15th Circle, and 521 12th Street, have faced similar challenges and were permitted to construct retaining walls to address them. The proposed wall at 230 15th Circle is consistent with these precedents, reflecting the unique requirements of waterfront properties in the area.
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 special privilege would be granted, as retaining walls of similar or smaller dimensions have been approved and constructed at nearby properties. For instance:

 - 275 15th Circle: A 912 sq ft retaining wall built in 2022.
 - 210 15th Circle: A 208 sq ft retaining wall built in 1992.
 - 521 12th Street: A 72 sq ft retaining wall built in 1983.

The variance ensures parity with neighboring properties and allows the applicant to address the unique challenges posed by their property's location and conditions.

Office Use Only

Comments and Recommendation of the Building Official

THIS REQUEST WILL ALLOW BUILDER TO INSTALL POOL IN A LOCATION AND HEIGHT THAT FAIL UNDER SIMILAR PROPERTY 275 15th CIRCLE & 210 15th CIRCLE MEETS ALL SETBACK AND EASEMENTS. I RECOMMEND APPROVAL OF THIS VARIANCE IN KEEPING WITH NEIGHBORING LOTS

Applicant Questions and Responses- **LAND DEVELOPMENT REGULATIONS - Section 101-171. Variances.**

(1) **Initiation.** Any owner, agent, lessee or occupant of land or a structure may apply in writing to the city clerk for a variance, on that land, from the requirements of this chapter, except that no request for a use variance will be considered. Details must be included with the request and be filed with the city clerk together with the established fee for a variance. If the applicant is other than the owner of the property, the written consent of the owner for the variance requested must be submitted with the application. When the petitioner is a public agency, the city commission may authorize the waiver or reduction of the fee.

(2) **Planning and zoning committee procedure.**

- (a) Upon receipt of a written request, the city clerk will deliver the request to the planning and zoning committee.
- (b) The planning and zoning committee shall make an investigation of the conditions pertaining to the requested variance in advance of the public hearing by the city commission. This investigation shall be at a duly noticed meeting. Mailing of notice of the meeting shall be made by the city to all property owners within three hundred (300) feet of the boundaries of the property which is the subject of the variance request.
- (c) The planning and zoning committee, shall make their recommendation to the city commission in writing, based upon the standards in (5) below. They may recommend approval or disapproval of the variance or may recommend approval of the same subject to such specified conditions as it may deem to be necessary or advisable in furtherance of the provisions of this chapter. Reasons for the recommendation shall be stated.

(3) **City commission procedure.**

- (a) After receipt of the planning and zoning committee report, the city commission shall give notice in a newspaper stating the date, time and place of a city commission public hearing as provided for in section 101-173.
- (b) After their public hearing the city commission may approve or disapprove the requested variance or may approve the same subject to specified conditions as it may deem to be necessary or advisable in furtherance of the provisions of the zoning ordinance. If the applicant desires to present evidence not presented to the planning and zoning committee, the matter shall be returned to the planning and zoning committee for further deliberation and recommendation unless the city commission finds by majority vote that the new evidence is insignificant or unsubstantial.
- (c) The commission shall state reasons for their decision, based on the standards detailed in (5) below.
- (d) The decision of the city commission shall be final. No new request for similar action concerning the same property may be made to the city commission or planning and zoning committee for a period of not less than six (6) months after the date of said decision by the city commission.

(4) **Effective period.**

A building permit application must be submitted within twelve (12) months of variance approval otherwise the approval expires. Any extension of up to twelve (12) months may be granted by the city commission for good cause.

Applicant Questions and Responses-

(5) Standards for granting variances.

(a) Specific criteria:

- (1) The applicant shall demonstrate a showing of good and sufficient cause;**
- (2) Failure to grant the variance would result in unnecessary hardship to the applicant;**
- (3) Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance, or cause fraud or victimization of the public;**
- (4) Property has unique or peculiar circumstances, which apply to this property, but which do not apply to other properties in the same zoning district;**
- (5) Granting the variance will not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of established development patterns.**

(b) Recommendations to the city commission.

- (1) If all 5 specific criteria are met, then the planning & zoning committee shall recommend approval to the city commission. Approval by the city commission would be by majority vote of the city commission.**

If the planning & zoning committee finds the five (5) specific criteria are not met, they shall recommend disapproval of the variance unless they specifically find that the granting of the variance will have minimal adverse effect on other citizens of the city or on the city. Approval of a variance where all five (5) specific criteria are not met shall require a favorable vote of four-fifths (4/5) of the city commission.

- (2) Conditions: The planning and zoning committee may recommend, and the city commission may prescribe, appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.**
- (3) Use Variance: Under no circumstances shall the city commission grant a variance to permit a use not generally permitted in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.**

INSTALL SWIMMING POOL, RETAINING WALL AND STAIR

230 15TH CIR, KEY COLONY BEACH



PROJECT LOCATION

SITE DATA / PROJECT LOCATION:

SITE ADDRESS: 230 15TH CIR, KEY COLONY BEACH
PARCEL NO.: 00079872-009001
LEGAL DESC.: BLK 3 LOT 7 COURY SUBD NO 2 PB7-48 OR1081-1709 OR1092-1161 OR1246-557 OR1513-97 OR1590-1186 OR1598-1865 OR1968-897 OR1969-181 OR3052-1575 OR3103-0463 OR3248-2308

OWNER / S: 15TH CIR LLC
ZONING: VACANT RES (0000)



A LOCATION MAP
 SCALE: NTS.

DRAWING INDEX:

- C - 01 PROJECT INFORMATION
- C - 02 GENERAL NOTES
- C - 03 SITE PLAN
- C - 04 POOL DETAILS
- C - 05 DETAILED SECTIONS
- C - 06 TYPICAL DETAILS
- C - 07 STAIR DETAILS

SCOPE OF WORK:

- NEW CONSTRUCTION
 - PROPOSED 289± SF SWIMMING POOL/COPING
 - INSTALL 32± SF EQUIPMENT PAD
 - INSTALL 140± LF, 5' TALL RETAINING WALL
 - INSTALL 54± SF CONCRETE STAIRS
 - PROPOSED 333± SF DRIVEWAY

DESIGN CODE:

- 2023 FLORIDA BUILDING CODE, BUILDING, 8th EDITION
- 2023 FLORIDA BUILDING CODE, RESIDENTIAL, 8th EDITION
- 2023 FLORIDA BUILDING CODE, MECHANICAL, 8th EDITION
- 2023 FLORIDA BUILDING CODE, FUEL GAS, 8th EDITION
- 2020 NATIONAL ELECTRICAL CODE, NEC 2020
- AMERICAN SOCIETY OF CIVIL ENGINEERS, ASCE 7-22

DESIGN DATA:

WIND DESIGN SPECIFICATIONS:

- A. BUILDING OCCUPANCY CATEGORY II
- B. CONSTRUCTION TYPE V-B
- C. OCCUPANCY CLASSIFICATION RESIDENTIAL
- D. WIND SPEED 180 MPH
- E. WIND EXPOSURE CATEGORY D
- F. INTERNAL PRESSURE COEFFICIENT +0.18
- G. WIND-BORNE DEBRIS AREA YES
- H. REFER TO DRAWINGS FOR STRUCTURE HEIGHT AND AREA
- I. STRUCTURAL LOADS AND DESIGN PRESSURES LISTED IN THESE PLANS ARE ALLOWABLE (ASD) UNLESS NOTED OTHERWISE



B VICINITY MAP
 SCALE: NTS.



THIS DOCUMENT HAS BEEN DIGITALLY SIGNED AND SEALED BY:
JAMES RHYNE PE, NO 94214
 ON THE DATE ADJACENT TO THE SEAL

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED. THE SIGNATURE MUST BE VERIFIED IN THE ELECTRONIC DOCUMENTS.

THE ABOVE NAMED PROFESSIONAL ENGINEER SHALL BE RESPONSIBLE FOR THIS DOCUMENT IN ACCORDANCE WITH RULES, RULES 61B-23.001, F.A.C.



RAPID PERMITS AND ENGINEERING

ADDRESS: PO Box 510675, Key Colony Beach, FL 33055
 CONTACT: 305-916-1400
 EMAIL: info@rapidpermits.com

THREE GENTS LLC

James Rhyne, PE, No 94214
 157 Seposella Drive
 Islamorada, FL 33036

PROJECT TITLE:

**INSTALL SWIMMING POOL,
RETAINING WALL AND STAIR
230 15TH CIR, KEY COLONY BEACH**

LOCATION: 230 15TH CIR, KEY COLONY BEACH
 Parcel ID: 00079872-009001

SHEET CONTENT:

PROJECT INFORMATION

DATE: 12/12/24

REV. DATE

02	Cover Sheet	09/27/2024
03	Cover Sheet	09/30/2024
04	Cover Sheet	11/12/2024
05	Cover Sheet	11/14/2024
06	Cover Sheet	12/12/2024

NO. DESCRIPTION

02	Cover Sheet
03	Cover Sheet
04	Cover Sheet
05	Cover Sheet
06	Cover Sheet

SHEET NO.:

01
C
07

NOTES:
 ALL WORK TO BE DONE IN COMPLIANCE WITH THE FRC 2023 8TH EDITION, ANY DETAILS NOT SHOWN ON THESE PLANS SHEETS ARE TO BE ENGINEERED BY OTHERS. THE ENGINEER SHOULD NOT BE MADE LIABLE FOR DETAILS NOT SHOWN AS THEY ARE NOT INCLUDED IN THE SCOPE OF WORK. THE SCOPE OF WORK IS LIMITED TO THE DETAILS SPECIFIED ON THE INCLUDED SHEETS. TO VERIFY THE VALIDITY OR APPLICABILITY OF THE SEAL OR SIGMATUR, CONTACT THE ENGINEER

FLOOD CRITERIA:
 FLOOD ZONE - "AE"
 BASE FLOOD ELEVATION - 8' N.G.V.D.
 DESIGN FLOOD ELEVATION - 9' N.G.V.D.

LAND OPEN SPACE CALCULATIONS:

LAND AREA TOTAL LOT AREA = 9,913± SF

AREA COVERAGE
 NEW HOME LOT COVERAGE = 2,582
 EXISTING DRIVEWAY = 333 SF
 PROPOSED EQUIPMENT PAD = 32 SF
 SWIMMING POOL COPING = 74 SF
 PROPOSED NEW PAVER = 637 SF
 PROPOSED DRIVEWAY = 333 SF
 PROPOSED CONCRETE STAIR = 54 SF
 (NEW IMPERMEABLE AREA)

TOTAL AREA COVERAGE = 4,045 SF
 4,045 / 9,913 = 40.80% COVERAGE
 5,868 SF OPEN SPACE = 59.20% OPEN SPACE
 TOTAL LOT NEW IMPERMEABLE AREA = 1,130 SF (SWALE VOLUME REQUIRED: 235 CF)
 TOTAL LOT IMPERMEABLE AREA = 4,045 SF (40.80%)

PROPOSED SCOPE OF WORK

NEW CONSTRUCTION

- PROPOSED 299± SF SWIMMING POOL/COPING
- INSTALL 32± SF EQUIPMENT PAD
- INSTALL 140± LF 5' TALL RETAINING WALL
- INSTALL 54± SF CONCRETE STAIRS
- PROPOSED 333± SF DRIVEWAY



RAPID PERMITS AND ENGINEERING

ADDRESS: PO Box 510575, Key Colony Beach, FL 33051
 CONTACT: 305-916-1400
 EMAIL: info@rapidpermits.com

THREE GENTS LLC

James Rhynes, PE, No. 94214
 157 Sapodilla Drive
 Islamorada, FL 33039

PROJECT TITLE:

INSTALL SWIMMING POOL, RETAINING WALL AND STAIR
230 15TH CIR, KEY COLONY BEACH

LOCATION: 230 15TH CIR, KEY COLONY BEACH
 Parcel ID - 0007872-009001

NO. DESCRIPTION

05	Site Plan
06	Site Plan
07	Site Plan
08	Site Plan
09	Site Plan

REV. DATE

10/14/2024
11/12/2024
11/14/2024
12/02/2024
12/12/2024

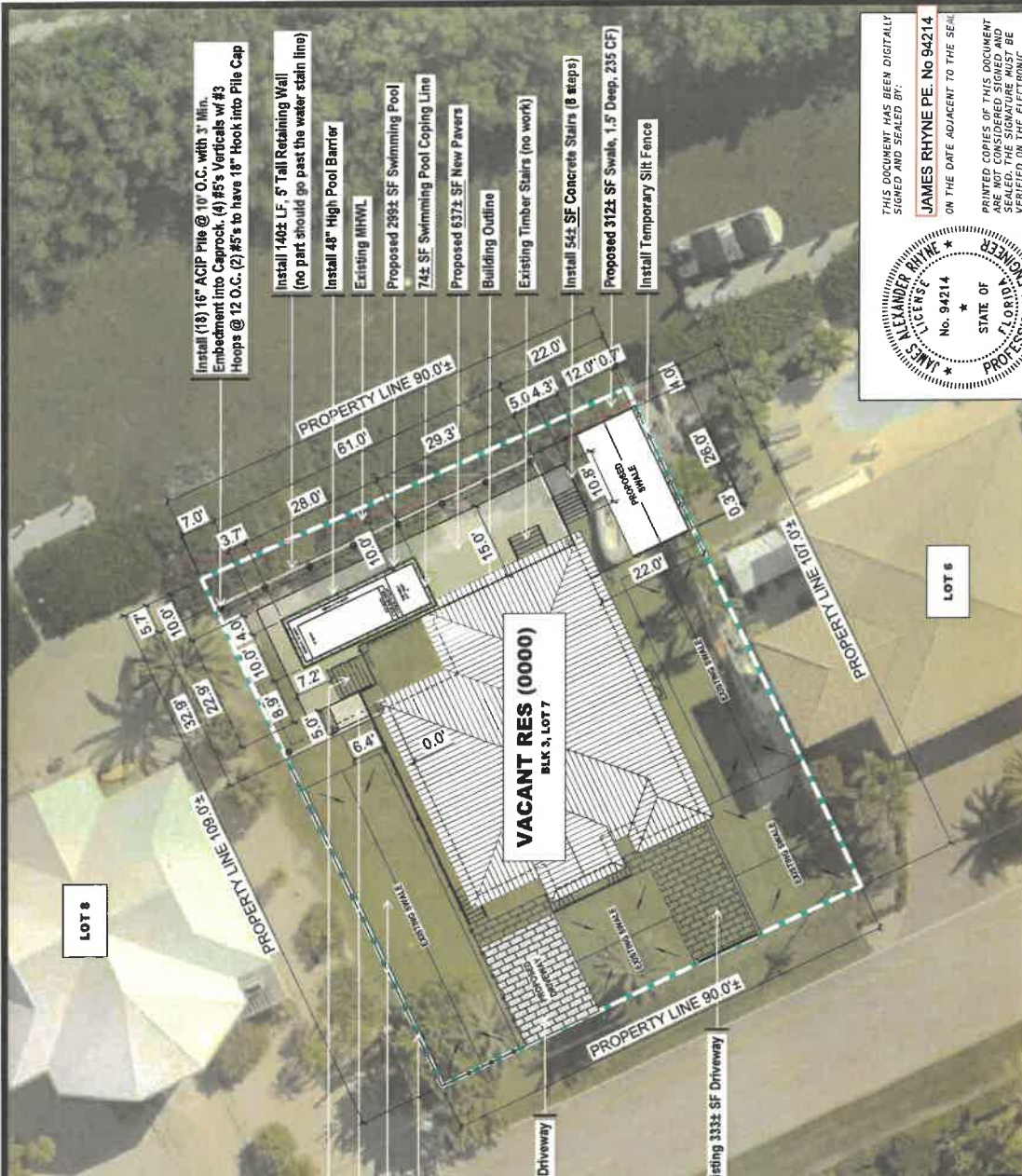
SHEET CONTENT:

SITE PLAN

C 03
07

DATE: 12/12/2024

SHEET NO.:



230 15th Cir, Key Colony Beach
SITE PLAN
 SCALE: 3" = 50'

1
C-03



THIS DOCUMENT HAS BEEN DIGITALLY SIGNED AND SEALED BY:
JAMES RHYNES PE, No. 94214
 ON THE DATE ADJACENT TO THE SEAL

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED. THE SIGNATURE MUST BE VERIFIED ON THE ELECTRONIC DOCUMENTS.

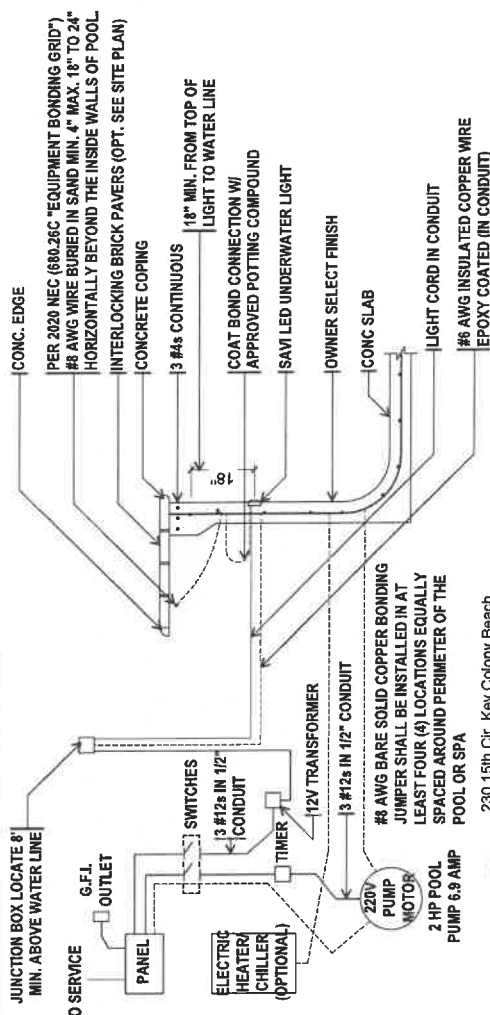
FOR THIS DOCUMENT IN ACCORDANCE WITH RULE 61G12-23.004, F.A.C.

THE STATE PROFESSIONAL ENGINEER SEAL OF FLORIDA

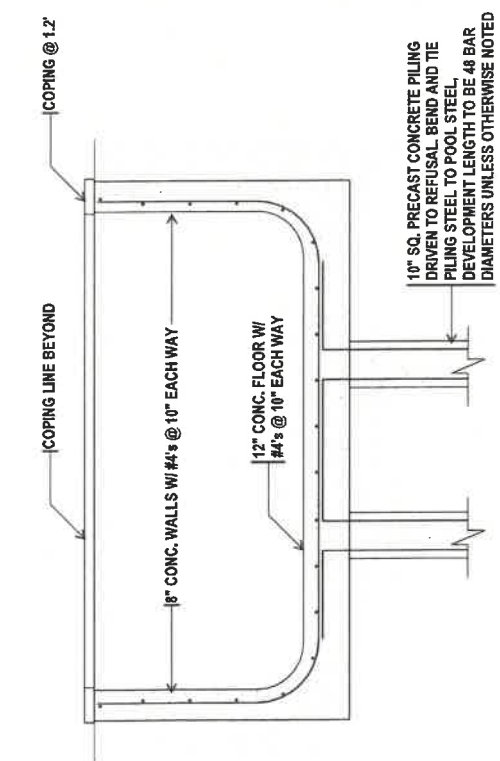


STRUCTURAL NOTE:
SOIL CONDITIONS WILL BE DETERMINED ONCE EXCAVATION IS STARTED. IF SOIL IS LOOSE THEN CONCRETE DRIVEN PILING IS TO BE USED. IF CONDITIONS ARE ROCK, CONCRETE AUGERS ARE TO BE USED.

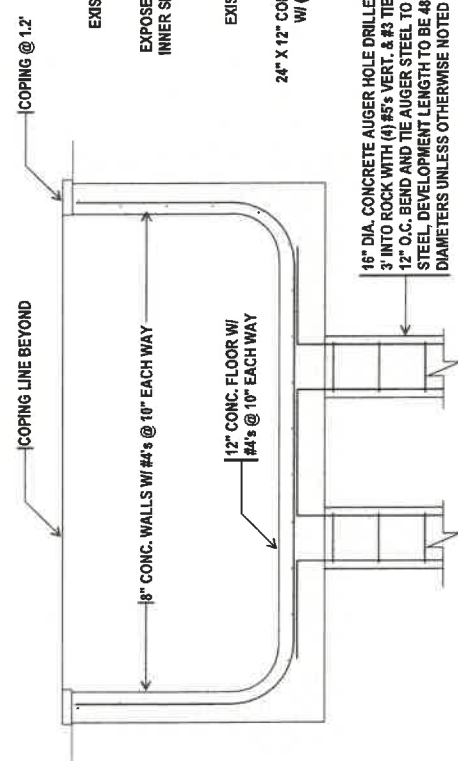
NOTE:
ALL ELECTRICAL TO COMPLY TO M.E.C. ALL EQUIPMENT INSTALLED PER MANUFACTURER SPECIFICATIONS. ALL METALLIC ITEMS WITHIN 5'-0" OF WATER'S EDGE OF POOL TO BE BONDED WITH #8 SOLID INSULATED WIRE ILL LISTED FROM POOL GROUND LUGS. GFI OUTLET 1' MIN. AND 2' MAX FROM POOL.



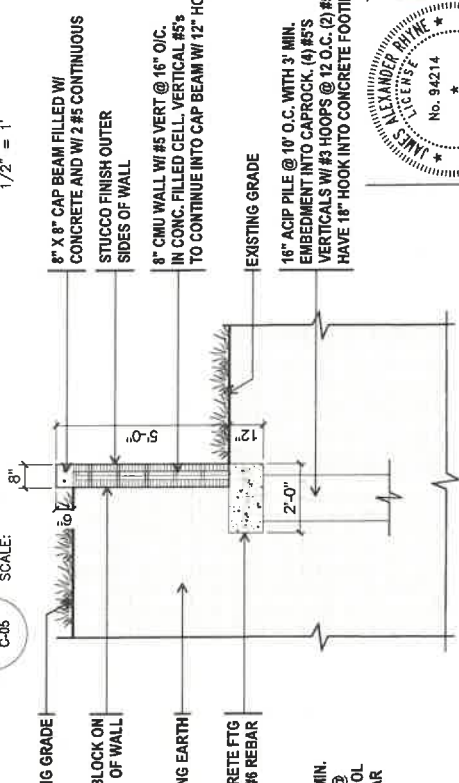
C POOL ELECTRICAL DETAIL
230 15th Cir. Key Colony Beach
SCALE: 1/2" = 1'



A POOL SECTION - OPTION 1
230 15th Cir. Key Colony Beach
SCALE: 1/2" = 1'



B POOL SECTION - OPTION 2
230 15th Cir. Key Colony Beach
SCALE: 1/2" = 1'



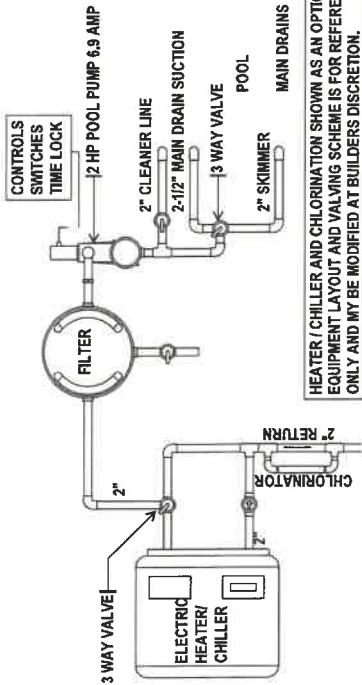
D RETAINING WALL SECTION
230 15th Cir. Key Colony Beach
SCALE: 3/8" = 1'



THIS DOCUMENT HAS BEEN DIGITALLY SIGNED AND SEALED BY:
JAMES RHYNE PE. NO. 94214
ON THE DATE ADJACENT TO THE SEAL.
PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED. THE SIGNATURE MUST BE ON THE ELECTRONIC DOCUMENTS.
THE ABOVE NAMED PROFESSIONAL ENGINEER SHALL BE RESPONSIBLE FOR THIS DOCUMENT IN ACCORDANCE WITH RULE 61G15-23.004, F.A.C.

RAPID PERMITS AND ENGINEERING ADDRESS: PO Box 510573, Key Colony Beach, FL 33951 CONTACT: 305-918-1400 EMAIL: info@rapidpermits.com	THREE GENTS LLC James Rhyne, PE No. 94214 157 Sapodilla Drive Islamorada, FL 33039	PROJECT TITLE: INSTALL SWIMMING POOL, RETAINING WALL AND STAIR 230 15TH CIR, KEY COLONY BEACH LOCATION: 230 15TH CIR, KEY COLONY BEACH Parcel ID - 00079472-000001	NO. 01 02 03	DESCRIPTION Detailed Sections Detailed Sections Detailed Sections	REV. DATE 09/19/2024 09/30/2024 10/14/2024	SHEET CONTENT: DETAILED SECTIONS	SHEET NO.: C 05 / 07 DATE: 12/12/24
---	--	---	------------------------------	---	--	--	--

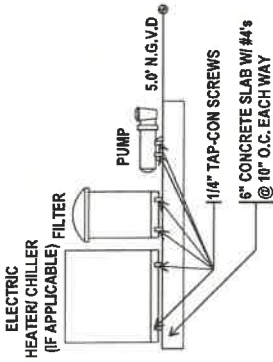




230 15th Cir, Key Colony Beach

A PLUMBING DIAGRAM

SCALE: 1/2" = 1'

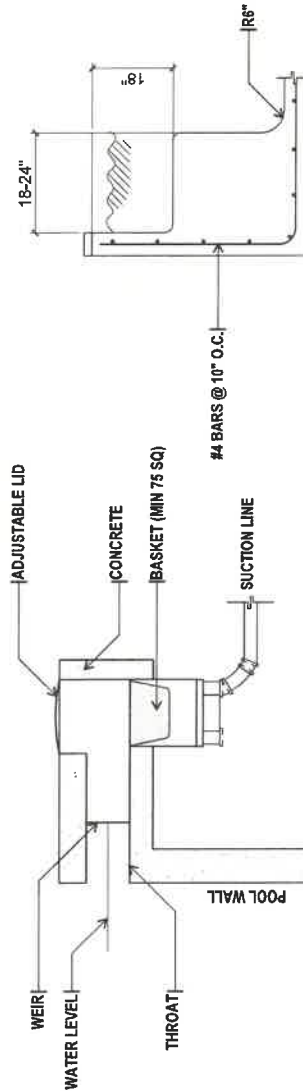


230 15th Cir, Key Colony Beach

B ANCHOR DETAIL

SCALE: 1/2" = 1'

SEE NOTES SHEET C-02 TO C-05 FOR APPLICABLE NOTES



230 15th Cir, Key Colony Beach

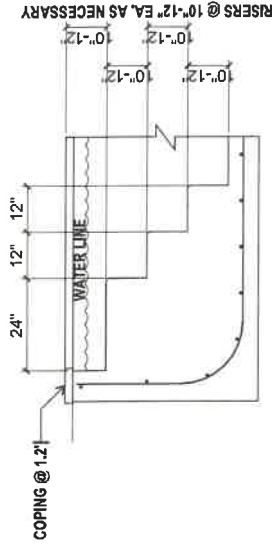
D SKIMMER DETAIL

SCALE: 1/2" = 1'

230 15th Cir, Key Colony Beach

E TYPICAL SWIMOUT DETAILS

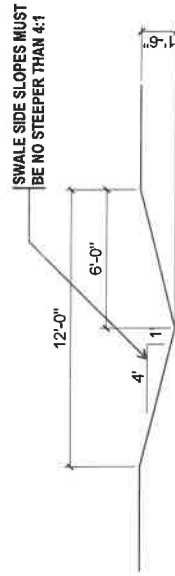
SCALE: 1/2" = 1'



230 15th Cir, Key Colony Beach

C TYP. STEP SECTION

SCALE: 1/2" = 1'



230 15th Cir, Key Colony Beach

F TYPICAL SWALE DETAILS

SCALE: 1/4" = 1'



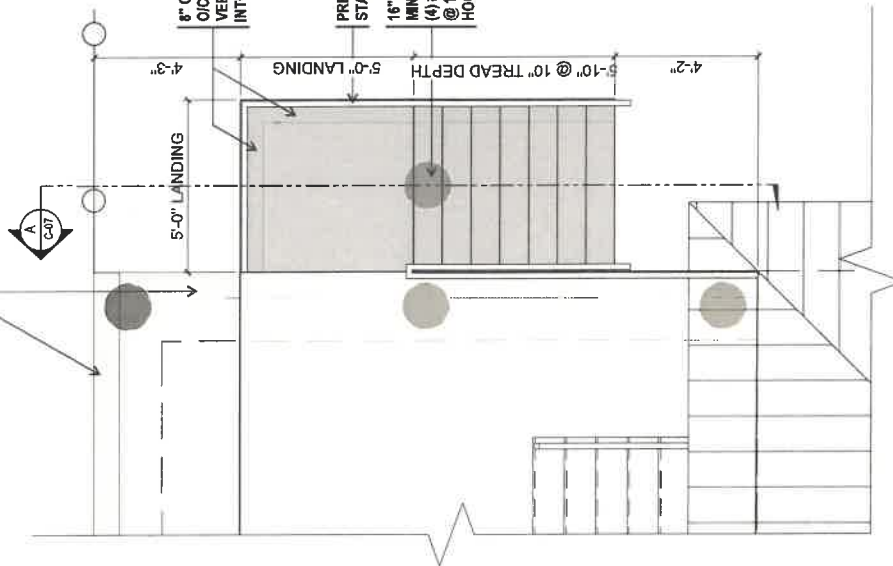
THIS DOCUMENT HAS BEEN DIGITALLY SIGNED AND SEALED BY:
JAMES RHYNE PE, No 94214
 ON THE DATE ADJACENT TO THE SEAL.

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND VERIFIED ON THE ELECTRONIC DOCUMENTS.

THE ABOVE NAMED PROFESSIONAL ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

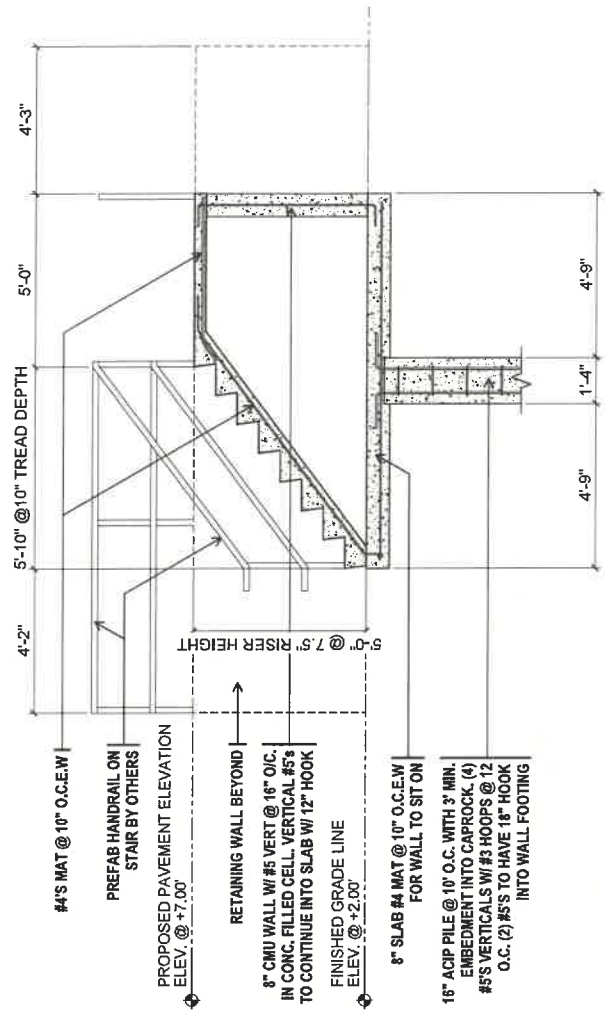
RAPID PERMITS AND ENGINEERING ADDRESS: PO Box 510573, Key Colony Beach, FL 33651 CONTACT: 305-916-1400 EMAIL: info@rapidpermits.com	THREE GENTS LLC James Rhyne, PE, No 94214 157 Seawilla Drive Islamorada, FL 33096	PROJECT TITLE: INSTALL SWIMMING POOL, RETAINING WALL AND STAIR 230 15TH CIR, KEY COLONY BEACH LOCATION: 230 15TH CIR, KEY COLONY BEACH Parcel ID - 00079872-009901		NO. 01 02 03	DESCRIPTION Typical Details Typical Details Typical Details	REV. DATE 09/19/2024 09/27/2024 11/12/2024	SHEET CONTENT: TYPICAL DETAILS	SHEET NO.: 06 C 07	
		DATE: 12/12/24							

PILES / GRADE BEAM / RETAINING WALL
FOR POOL SEE C-05



230 15th Cir, Key Colony Beach
STAIR PLAN
SCALE: 3/8" = 1"

1
C-07



230 15th Cir, Key Colony Beach
STAIR SECTION
SCALE: 3/8" = 1"

A
C-07

THIS DOCUMENT HAS BEEN DIGITALLY SIGNED AND SEALED BY:
JAMES RHYNE PE, No 94214
ON THE DATE ADJACENT TO THE SEAL

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED UNLESS THE SIGNATURE MUST BE VERIFIED ON THE ELECTRONIC DOCUMENTS.

JAMES RHYNE
LICENSED PROFESSIONAL ENGINEER
No. 94214
STATE OF FLORIDA

THE ABOVE NAMED PROFESSIONAL ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.



RAPID PERMITS AND ENGINEERING ADDRESS: PO Box 510873, Key Colony Beach, FL 33051 CONTACT: 305-916-1400 EMAIL: info@rapidpermits.com	THREE GENTS LLC James Rhyme, PE, No 94214 157 Seacollia Drive Islamorada, FL 33036 Parcel ID: -00079872-000001	PROJECT TITLE: INSTALL SWIMMING POOL, RETAINING WALL AND STAIR 230 15TH CIR, KEY COLONY BEACH		NO. 01	DESCRIPTION Stair Details	REV. DATE 11/12/2024	SHEET CONTENT: STAIR DETAILS	SHEET NO.: <div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;"> C 07 </div>
		02	Stair Details	11/14/2024				
		03	Stair Details	11/29/2024				
		04	Stair Details	12/02/2024				
		05	Stair Details	12/12/2024	DATE: 12/12/24			





PRIVATE PROVIDER PLAN COMPLIANCE AFFIDAVIT

Private Provider Firm:

Private Provider:

Address:

Telephone: Fax:

Email:

I hereby certify that to the best of my knowledge and belief, the plans submitted were reviewed for and are in compliance with the Florida Building Code and all local amendments to the Florida Building Code by the following affiant, who is duly authorized to perform plans review pursuant to Section 553.791, Florida Statute and holds the appropriate license or certificate.

Name: List Sheet #'s:

Florida License / Registration / Certification Numbers and Description:

ELECTRONIC SUBMISSION STATEMENT: Under penalty of perjury, I declare that all the information contained herein is true and correct. *Electronic signatures are not required to be notarized but only valid when submitted electronically.

Signature of Reviewer:

Signature: _____
 Print Name: _____
 Date: _____

Sworn to and subscribed before me this ____ day
 Of _____, 20____, by _____.
 (name of person making statement).

Notary Public:
 State of _____, County of _____

Personally Known ____ / Produced ID _____
 Type of ID Produced: _____

 (Signature of Notary Public – State of FL)

Notary Seal:

AFFIDAVIT OF MAILING

STATE OF FLORIDA
COUNTY OF MONROE

Before me, the undersigned authority personally appeared Cheryl Baker, who, having been first duly sworn according to law, deposes and says:

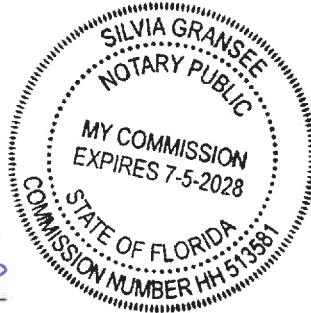
- 1. I am the Administrative Assistant to the City Clerk for the City of Key Colony Beach.
- 2. I hereby confirm that on the 12 day of February, 2025 (no less than 30 days prior to the Planning & Zoning Public Hearing on March 19, 2025, and the City Commission Public Hearing on April 17, 2025) I mailed the Notice of Hearing by first class U.S. mail to the address on file with the Monroe County Property Appraiser's Office for all property owners within 300 feet of the property at 260 15th Circle, Key Colony Beach, Florida, 33051.

Cheryl Baker

Signature

Sworn and subscribed before me this 12 day of February, 2025.

Silvia Gransee
Notary Public, State of Florida
My commission expires: 7-5-2028



Personally known

Produced _____ as identification

City of Key Colony Beach

PO Box 510141 Key Colony Beach, Florida • Phone # 305-289-1212 • Fax# 305-289-1767



To: Property Owners within 300 feet of 260 15th Circle
From: The City of Key Colony Beach
Key Colony Beach Planning & Zoning Board **and** the Key Colony Beach City Commission

**NOTICE IS HEREBY GIVEN,
THAT THE CITY OF KEY COLONY BEACH WILL BE HOLDING
PUBLIC HEARINGS ON:**

DATE/TIME:

Planning & Zoning Hearing: Wednesday, March 19th, 2025, 9:30 A.M.
City Commission Public Hearing: Thursday, April 17th, 2025, 9:30 A.M.

LOCATION:

City of Key Colony Beach
City Hall Auditorium 'Marble Hall'
600 W. Ocean Drive, Key Colony Beach, Florida 33051,

To hear a Variance Request from Joseph Suarez, Agent to the Property Owner 15th Circle LLC, Owner of the property located at 260 15th Circle, Key Colony Beach, Florida 33051. This meeting will be available via Zoom Meetings. Members of the public who wish to attend virtually may email the City Clerk at cityclerk@keycolonybeach.net or call 305-289-1212, Ext. 2 for further instructions on attending via Zoom Meetings.

The applicant requests a variance to the City of Key Colony Beach Code of Ordinances, Chapter 5, Article III, Division 3, Sec. 5-35, requesting to construct 2 (two) "T"-shaped docks along the existing seawall, maintaining compliance with the setback requirements and avoiding encroachment on neighboring properties. Current regulations specify no more than one (1) dock per lot

Interested parties may attend the Hearing and be heard with respect to the requested variance.

If any person decides to appeal any decision made by the City Commission of the City of Key Colony Beach with respect to any matter considered at the Variance Hearing, that person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you are unable to attend the Hearings on Wednesday, March 19th, 2025, or Thursday, April 17th, 2025, but wish to comment, please direct correspondence to the City Clerk at P.O. Box 510141, Key Colony Beach, FL 33051, or via email at cityclerk@keycolonybeach.net, and your comments will be entered into the record.

Mailed: On or before February 17th, 2025
City Clerk, City of Key Colony Beach



Parcel ID 00079872-009400
Account# 8734191
Property ID 8734191
Millage Group 50KC
Location 260 15TH Cir, KEY COLONY BEACH
Address
Legal BLK 3 PT LOT 10 COURY SUBD NO 2 PB7-48 OR1590-1186 OR1598-1865 OR3128-
Description 0500 OR3193-2266 OR3248-1259
(Note: Not to be used on legal documents.)

AFFIDAVIT OF POSTING

STATE OF FLORIDA
COUNTY OF MONROE

Before me, the undersigned authority personally appeared Cheryl Baker, who, having been first duly sworn according to law, deposes and says:

1. I am the Administrative Assistant to the City Clerk for the City of Key Colony Beach.
2. I hereby confirm that on the 27 day of February, 2025 (no less than 14 days prior to the Planning & Zoning Public Hearing on March 19, 2025, and the City Commission Public Hearing on April 17, 2025) I posted the Notice of Hearing for the property located at 260 15th Circle, Key Colony Beach, Florida, 33051, at the United States Postal Office and City Hall.

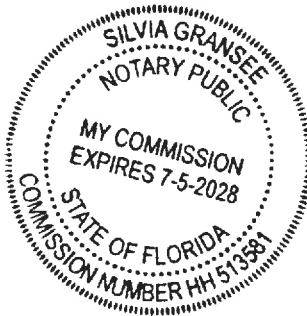
Cheryl Baker

Signature

Sworn and subscribed before me this 27 day of February, 2025.

Silvia Gransee

Notary Public, State of Florida
My commission expires: 7-5-2028



Personally known

Produced _____ as identification



Published Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

**STATE OF FLORIDA
COUNTY OF MONROE**

Before the undersigned authority personally appeared **JASON KOLER** who on oath, says that he is **PUBLISHER** of the **WEEKLY NEWSPAPERS**, a weekly newspaper published in Marathon, in Monroe County, Florida; that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of publication)

March 6, 2025

Affiant further says that the said **WEEKLY NEWSPAPERS** is a newspaper published at Marathon, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, once each week (on Thursday) and has been qualified as a second class mail matter at the post office in Marathon, in Monroe County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement. The affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s) and that The Weekly Newspapers is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.

Sworn to and subscribed before me
this 6 day of MARCH 2025.

(SEAL)

Notary



NOTICE IS HEREBY GIVEN THAT THE CITY OF KEY COLONY BEACH WILL BE HOLDING THE FOLLOWING PUBLIC HEARINGS:
DATE/TIME:
Planning & Zoning Hearing: Wednesday, March 19th, 2025, 9:30 A.M.
City Commission Public Hearing: Thursday, April 17th, 2025, 9:30 A.M.
LOCATION:
City of Key Colony Beach
City Hall Auditorium Marble Hall
600 W. Ocean Drive, Key Colony Beach, Florida 33051
To hear a Variance Request from Joseph Suarez, Agent to the Property Owner 15th Circle LLC, Owner of the property located at 260 15th Circle, Key Colony Beach, Florida 33051. This meeting will be available via Zoom Meetings. Members of the public who wish to attend virtually may email the City Clerk at cityclerk@keycolonybeach.net or call 305-289-1212, Ext. 2 for further instructions on attending via Zoom Meetings. The applicant requests a variance to the City of Key Colony Beach Code of Ordinances, Chapter 5, Article III, Division 3, Sec. 5-35, requesting to construct 2 (two) "T"-shaped docks along the existing seawall, maintaining compliance with the setback requirements and avoiding encroachment on neighboring properties. Current regulations specify no more than one (1) dock per lot. Interested parties may attend the Hearing and be heard with respect to the requested variance.
If any person decides to appeal any decision made by the City Commission of the City of Key Colony Beach with respect to any matter considered at the Variance Hearing, that person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If you are unable to attend the Hearings on Wednesday, March 19th, 2025, or Thursday, April 17th, 2025, but wish to comment, please direct correspondence to the City Clerk at P.O. Box 510141, Key Colony Beach, FL 33051, or via email at cityclerk@keycolonybeach.net, and your comments will be entered into the record.
Published: On or before March 9th, 2025
City Clerk, City of Key Colony Beach
Publish:
March 6, 2025
The Weekly Newspapers

**CITY OF KEY COLONY BEACH
P.O. BOX 510141
KEY COLONY BEACH, FL 33051-0141
305-289-1212 FAX: 305-289-1767**

APPLICATION FOR VARIANCE

APPLICANT: 15th Cir Lot LLC (305)-300-2804
Property Owner Name Phone Number

260 15th Cir, Key Colony Beach Lot: 10 BLK: 3 Subdivision No 2
Street Address of Variance Lot Block Subdivision

13010 Mar St, Coral Gables, FL 33156
Mailing Address of Property Owner

Owners may have an agent complete this application and represent them at the hearings. In this case, owners must attach to this application a written, signed statement stating the name of the individual or business that may represent them in this matter.

Joseph Suarez (305)-300-2804
Agent Name Agent Phone Number

VARIANCE REQUESTED to: Land Development Regulations Chapter , Section 5-35
Code of Ordinances Chapter 5, Section 5-35

DESCRIPTION OF VARIANCE: Please describe the variance request in regard to type of structure, location on lot, distance from side, rear or front lot lines, or details of the variance, including the current rule in effect and the reason for the variance (for example, building would encroach into the setback by feet). Also state if this is for future construction or existing conditions.

The applicant requests a variance to the City of Key Colony Beach Land Development Regulations Chapter 5, Article III, Division 3, Sec. 5-35, requesting to construct 2 (two) "T"-shaped docks along the existing seawall, maintaining compliance with the setback requirements and avoiding encroachment on neighboring properties. Current regulations specify no more than one (1) dock per lot.

Please attach the following to this application:

- A sketch or site plan of the property showing the variance requested.
- Written responses to the five criteria (questions attached).
- Fee of \$700.00

Signature of Applicant _____

Office Use Only

Date Filed 1-31-2025

Date Paid 1-28-25 Check # 1140

Variance granted / denied on (date) _____

[Signature]
Signature of City Official

Applicant Questions and Responses-

Summarizing Land Development Code 101-171 (5)(a): Variances shall be approved only if the applicant can demonstrate a good and sufficient cause, that denial would result in unnecessary hardship, it will not be contrary to the public interest, that special conditions exist, and that it will not confer any special privilege on the applicant. Please see the attached pages for the entire city codes relating to Variances.

To assist the Planning & Zoning Committee and City Commission in evaluating this variance request, please answer the following questions:

- 1. What is the “good and sufficient cause” that explains why this variance should be granted?**

The property at 260 15th Circle is one of the largest residential waterfront lots in Key Colony Beach, with a total land size of 32,150 sq ft and a seawall measuring 5 x 114 ft. Comparatively, properties with much smaller lot sizes, such as 390 13th Street (14,466 sq ft, seawall 8 x 110 ft) and 531 4th Street (16,217 sq ft), have already been approved for dual dock structures. Granting this variance aligns with the established development patterns in the area and allows the applicant to utilize the property’s waterfront potential fully.
- 2. What are the unnecessary hardships that would result if the variance is not granted?**

Denying this variance would limit the property’s ability to accommodate safe and efficient mooring for vessels, a reasonable expectation for a waterfront property of this size and caliber. Additionally, it would place the property owner at a disadvantage compared to smaller lots in the area that already benefit from dual dock configurations, thereby reducing the functional and market value of the property.
- 3. If this variance is granted, would there be any 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?**

Approval of this variance would not increase public expenses, as the docks will be privately funded and maintained. The design will adhere to all safety, environmental, and zoning regulations, ensuring no threat to public health or safety. The dual docks will also maintain harmony with the surrounding properties, preventing any nuisance or negative impact on the community.
- 4. What are the unique or peculiar physical/geographical circumstances or conditions that apply to this property, but do not apply to other properties in the same zoning district?**

Size and Frontage: The property is the second largest buildable, residential, waterfront lot in Key Colony Beach, with only 161 12th Street (34,419 sq ft) being larger.
Seawall Dimensions: The 5 x 114 ft seawall offers exceptional potential for mooring vessels, far exceeding the capabilities of smaller lots in the area.
Comparable Properties: Smaller lots, such as 531 3rd Street (14,257 sq ft) and 530 4th Street (20,606 sq ft), have been approved for dual dock structures. The unique size and configuration of 260 15th Circle make it particularly well-suited for dual T docks without impacting neighboring properties or the navigability of the waterway.
- 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 special privileges would be granted.** Several properties in Key Colony Beach, such as 390 13th Street, 531 4th Street, 530 4th Street, and 531 3rd Street, have dual dock configurations. For example:
 - 390 13th Street: Two T docks (5 x 46 ft and 4 x 55 ft, 450 sq ft total).
 - 531 4th Street: Two wood docks (5 x 40 ft each, 400 sq ft total).
 - 530 4th Street: Two wood docks (4 x 40 ft and 4 x 42 ft, 318 sq ft total).
 - 531 3rd Street: Two wood docks (460 sq ft and 200 sq ft total).

The proposed T docks at 260 15th Circle are consistent with the established patterns and would not create an exclusive or disproportionate benefit to the applicant.

Office Use Only

Comments and Recommendation of the Building Official

Applicant Questions and Responses- **LAND DEVELOPMENT REGULATIONS - Section 101-171. Variances.**

(1) Initiation. Any owner, agent, lessee or occupant of land or a structure may apply in writing to the city clerk for a variance, on that land, from the requirements of this chapter, except that no request for a use variance will be considered. Details must be included with the request and be filed with the city clerk together with the established fee for a variance. If the applicant is other than the owner of the property, the written consent of the owner for the variance requested must be submitted with the application. When the petitioner is a public agency, the city commission may authorize the waiver or reduction of the fee.

(2) Planning and zoning committee procedure.

- (a) Upon receipt of a written request, the city clerk will deliver the request to the planning and zoning committee.
- (b) The planning and zoning committee shall make an investigation of the conditions pertaining to the requested variance in advance of the public hearing by the city commission. This investigation shall be at a duly noticed meeting. Mailing of notice of the meeting shall be made by the city to all property owners within three hundred (300) feet of the boundaries of the property which is the subject of the variance request.
- (c) The planning and zoning committee, shall make their recommendation to the city commission in writing, based upon the standards in (5) below. They may recommend approval or disapproval of the variance or may recommend approval of the same subject to such specified conditions as it may deem to be necessary or advisable in furtherance of the provisions of this chapter. Reasons for the recommendation shall be stated.

(3) City commission procedure.

- (a) After receipt of the planning and zoning committee report, the city commission shall give notice in a newspaper stating the date, time and place of a city commission public hearing as provided for in section 101-173.
- (b) After their public hearing the city commission may approve or disapprove the requested variance or may approve the same subject to specified conditions as it may deem to be necessary or advisable in furtherance of the provisions of the zoning ordinance. If the applicant desires to present evidence not presented to the planning and zoning committee, the matter shall be returned to the planning and zoning committee for further deliberation and recommendation unless the city commission finds by majority vote that the new evidence is insignificant or unsubstantial.
- (c) The commission shall state reasons for their decision, based on the standards detailed in (5) below.
- (d) The decision of the city commission shall be final. No new request for similar action concerning the same property may be made to the city commission or planning and zoning committee for a period of not less than six (6) months after the date of said decision by the city commission.

(4) Effective period.

A building permit application must be submitted within twelve (12) months of variance approval otherwise the approval expires. Any extension of up to twelve (12) months may be granted by the city commission for good cause.

Applicant Questions and Responses-

(5) Standards for granting variances.

(a) Specific criteria:

- (1) The applicant shall demonstrate a showing of good and sufficient cause;
- (2) Failure to grant the variance would result in unnecessary hardship to the applicant;
- (3) Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance, or cause fraud or victimization of the public;
- (4) Property has unique or peculiar circumstances, which apply to this property, but which do not apply to other properties in the same zoning district;
- (5) Granting the variance will not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of established development patterns.

(b) Recommendations to the city commission.

- (1) If all 5 specific criteria are met, then the planning & zoning committee shall recommend approval to the city commission. Approval by the city commission would be by majority vote of the city commission.
If the planning & zoning committee finds the five (5) specific criteria are not met, they shall recommend disapproval of the variance unless they specifically find that the granting of the variance will have minimal adverse effect on other citizens of the city or on the city. Approval of a variance where all five (5) specific criteria are not met shall require a favorable vote of four-fifths (4/5) of the city commission.
- (2) Conditions: The planning and zoning committee may recommend, and the city commission may prescribe, appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.
- (3) Use Variance: Under no circumstances shall the city commission grant a variance to permit a use not generally permitted in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

PROPOSED SCOPE OF WORK

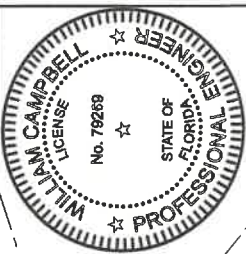
NEW CONSTRUCTION

- INSTALL 552 SQFT WOOD DOCK O/I (18) 10" DIA. PT WOOD PILES PER PLAN
- INSTALL 20K SIDE ELEV. BOAT LIFT O/I (4) 12" DIA. PER PLAN LOCATION
- INSTALL 356 SQFT WOOD DOCK O/I (15) 10" DIA. PT WOOD PILES PER PLAN
- INSTALL 20K ELEVATOR BOAT LIFT O/I (4) 12" DIA. PT WOOD PILES PER PLAN
- SUBJECT PROPERTY CONTAINS 6,087± SQFT ACOE-JD AREA TO BE AVOIDED DURING NEW CONSTRUCTION.

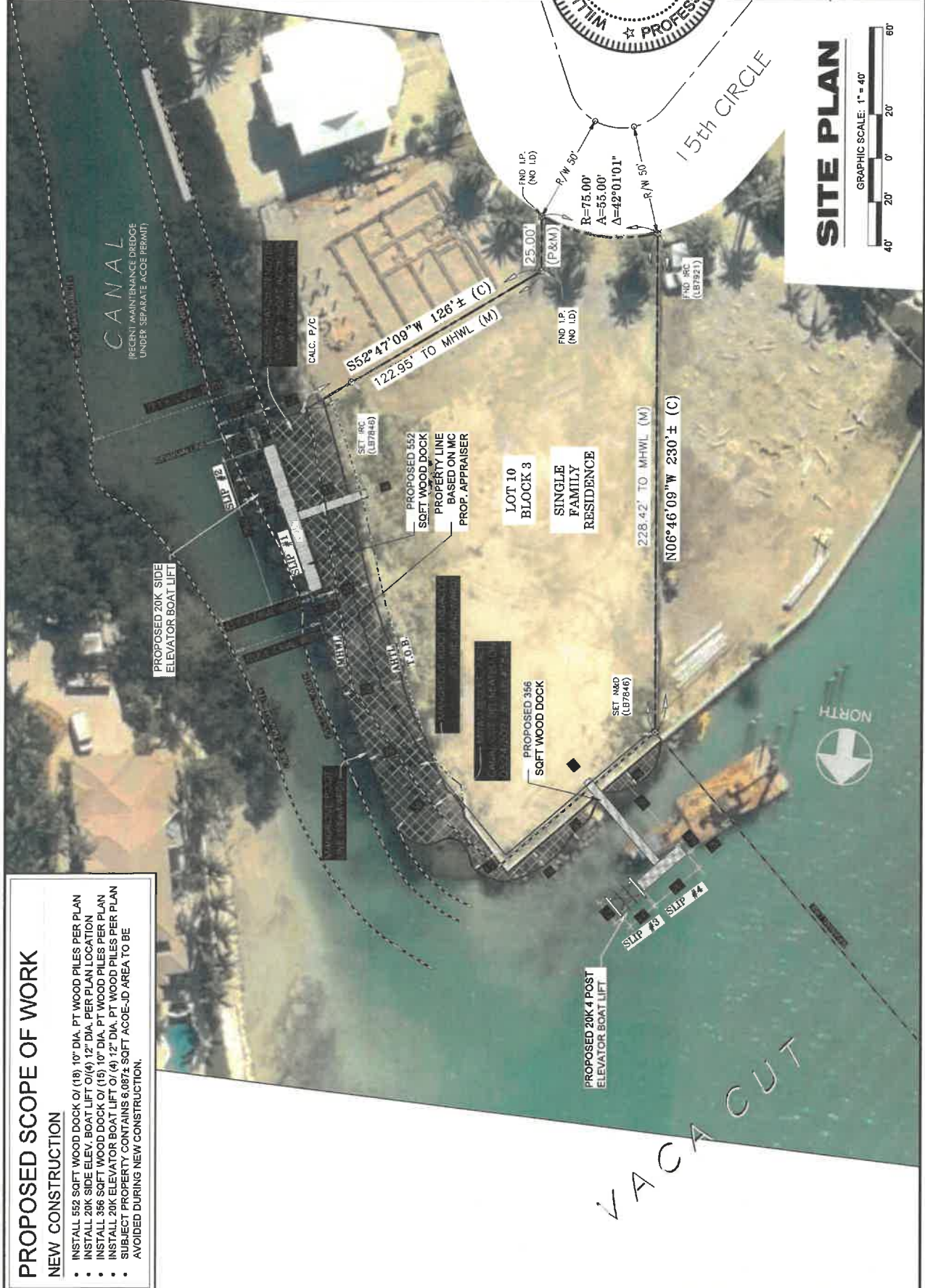
CONSTRUCTION PROPOSED FOR THE FOLLOWING LOCATION:
 LOT 10 15th CIRCLE, KEY COLONY BEACH, FL

CAMPBELL ENGINEERING CONSULTANTS LLC
 William R. Campbell, P.E. License #: 79269
 Email: will@cecfk.com CA/Reg #: 31437
 Phone #: 305-735-4626

PLANS ARE NOT VALID UNLESS SIGNED AND DATED



PROJECT #: **2903**
 Date: **JUNE 28, 2023**
 SHEET 3 of 5
 SHEET # **SP**

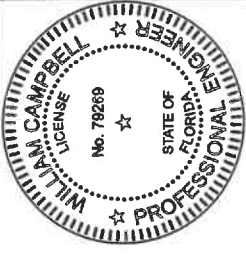


SITE PLAN
 GRAPHIC SCALE: 1" = 40'
 40' 20' 0' 20' 40'

CONSTRUCTION PROPOSED FOR THE FOLLOWING LOCATION:
 LOT 10 15th CIRCLE, KEY COLONY BEACH, FL

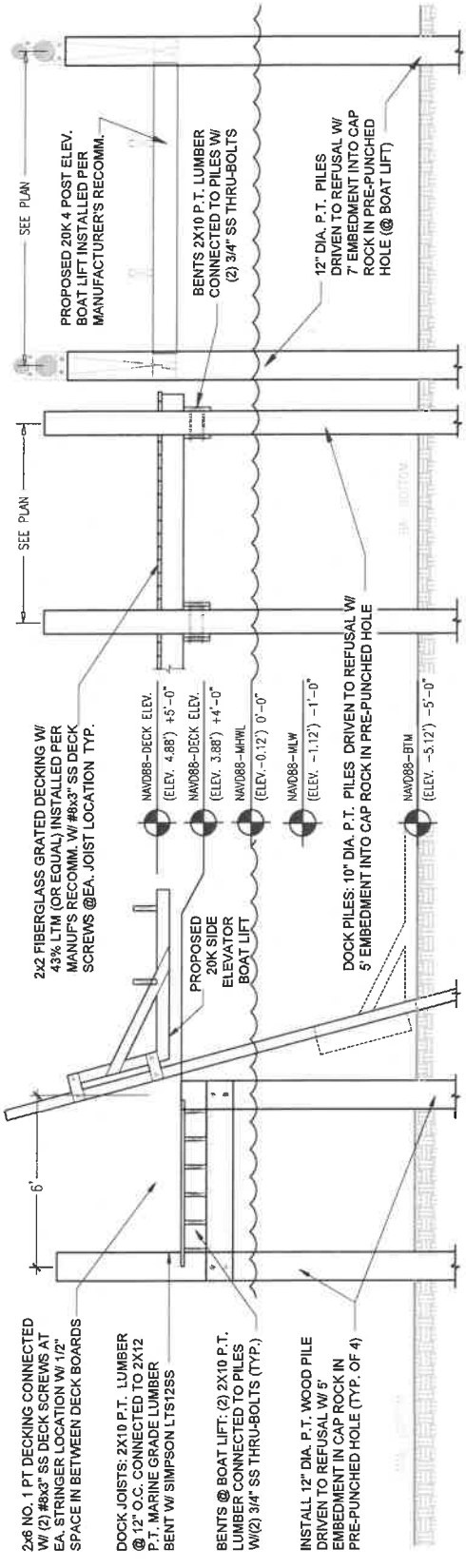
CAMPBELL ENGINEERING CONSULTANTS LLC
 William R. Campbell, P.E. License #: 79269
 Email: will@cecfll.com CA/Reg #: 31437
 Phone #: 305-735-4626

PLANS ARE NOT VALID UNLESS SIGNED AND DATED



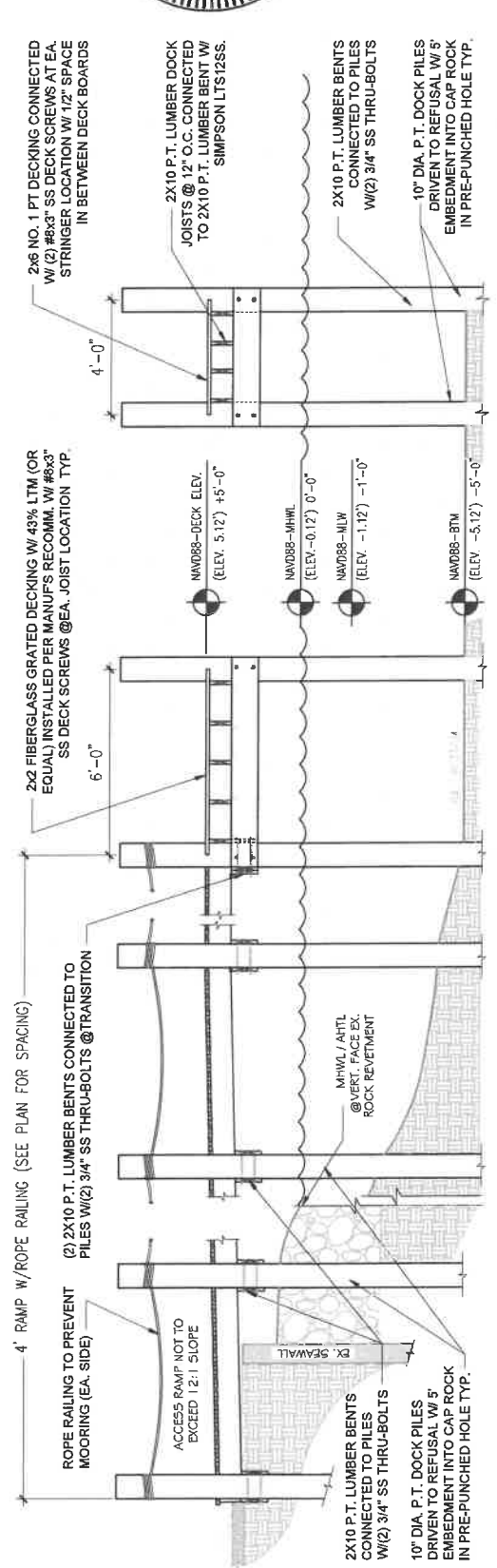
PROJECT #: **2903**
 Date: **JUNE 28, 2023**
 SHEET 5 of 5

SHEET # **S2**



SECTION DETAIL 2
1/4"=1'

NOTE: CONTRACTOR TO FIELD VERIFY WATER DEPTH PRIOR TO CONSTRUCTION AND NOTIFY EOR IF WATER DEPTH VARIES FROM DESIGN. WATER DEPTH ARE BASED ON APPROXIMATE WATER DEPTHS AND NOT ON SURVEY INFORMATION PROVIDED.



SECTION DETAIL 3
1/4"=1'

SECTION DETAIL 4
1/4"=1'

DOCK SECTIONS
 SCALE: 1/4"=1'





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Florida Keys National Marine Sanctuary
33 East Quay Road
Key West, FL 33040

December 14, 2023

Ms. Maria Bezanilla
Department of the Army Jacksonville District Corps of Engineers
Miami Regulatory Office
9900 Southwest 107th Avenue, Suite 203
Miami, FL 33176

Dear Ms. Bezanilla:

NOAA Florida Keys National Marine Sanctuary (FKNMS or sanctuary) has reviewed Department of the Army Corps of Engineers (DA Corps) application no. 2022-03587 (LP-MIB). The applicant, Rafael Garcia, is requesting a permit to construct a 4' x 50' access walk with 6' x 26' terminal platform and a four-post 20,000 lb boat lift and construct a 4' x 33' access walk with 6' x 70' terminal platform and a 20,000 lb elevator boat lift on an undeveloped lot located at Lot 10 15th Circle, Key Colony Beach, Monroe County, FL.

The benthic survey provided for the project from the applicant's agent indicates there are 21 *Siderastrea radians* corals (443 sq cm) located at the project site that are not expected to be impacted by construction. The removal of, injury to, or possession of coral or live rock is prohibited by FKNMS regulations at 15 CFR § 922.163(a)(2).

The Florida Department of Environmental Protection (DEP) issued verification of exemption file no. 44-0244495-002-EE for the project on May 2, 2023.

NOAA appreciates the applicant's willingness to mark and avoid coral colonies, during construction. These actions will preserve the functional value of the resources that may be impacted by the project. Therefore, pursuant to 15 CFR § 922.36, NOAA does not object to the issuance of a DA Corps permit for the project as proposed, and a separate FKNMS permit will not be required, **if the attached measures are enacted by the applicants (Rafael Garcia) or their agent/contractor**. These terms and conditions have been deemed reasonable to protect sanctuary resources and qualities per NOAA authority at 15 CFR § 922.36.

This determination is only applicable to DA Corps application no. 2022-03587 (LP-MIB), and DEP file no. 44-0244495-002-EE, including all project plans and methods detailed in that application and any additional information submitted or follow-up correspondence between the applicant, their agent, or their representative and NOAA FKNMS. If any changes are made to the project description or methods deviate from those provided to NOAA FKNMS, in the application, the applicant shall notify NOAA and this letter of authorization will be rescinded. Upon such notification, NOAA shall re-review the project and special conditions and provide a supplementary determination.



Further information on sanctuary permit review and authorization is set forth at 15 CFR § 922 Subpart D.

This project has been assigned authorization #FKNMS-2023-129. Please contact FKNMS Enforcement Coordinator Steve Werndli at Stephen.Werndli@noaa.gov if you have questions about NOAA's determination on this project or the attached conditions. Thank you for your continued cooperation with the Florida Keys National Marine Sanctuary.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Sarah Fangman", with a long horizontal flourish extending to the right.

Sarah Fangman
Superintendent, FKNMS

cc: SED_Permitting@dep.state.fl.us



City of Key Colony Beach

PO Box 510141 Key Colony Beach, Florida • Phone # 305-289-1212 • Fax# 305-289-1767



March 19th, 2025

To: The City of Key Colony Beach Board of Commissioners

From: The Key Colony Beach Planning & Zoning Board

Re: Variance Request by Joseph Suarez, Agent for the Property Owner, 15th Circle LLC, Owner of the Property Located at 260 15th Circle, Key Colony Beach, Florida 33051, for the Construction of 2 (two) T-shaped docks along the existing seawall.

The Planning & Zoning Board reviewed the applicant's request for a variance to the City of Key Colony Beach Code of Ordinances for the construction of two T-shaped docks.

After discussion, the Board voted on the Post-Hearing Questions as follows:

Post Hearing Questions Results:

- | | |
|-----------------------------------|--|
| 1) Chair George Lancaster | Yes on all 5 (five) Post Hearing Questions |
| 2) Vice-Chair Lin Walsh | Yes on all 5 (five) Post Hearing Questions |
| 3) Board Member Bob Glassman | Yes on all 5 (five) Post Hearing Questions |
| 4) Board Member Leonard Geronemus | Yes on all 5 (five) Post Hearing Questions |
| 5) Board Member Lynne Conkling | **absent |

MOTION: Motion made by Bob Glassman to approve. Leonard Geronemus seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Final Recommendation: The Planning & Zoning Board recommends that the City of Key Colony Beach Board of Commissioners approve the variance for the property located at 260 15th Circle.

A handwritten signature in blue ink that reads "George Lancaster". The signature is written in a cursive style and is positioned above a horizontal line.

George Lancaster, Planning & Zoning Board Chair