

MINUTES

KEY COLONY BEACH CITY COMMISSION

PUBLIC HEARING

Thursday, October 16th, 2025, 9:30 AM

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

1. **Call to Order, Pledge of Allegiance, Prayer & Roll Call:** The Key Colony Beach City Commission Public Hearing was called to order by Mayor Freddie Foster at 9:30 AM, followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Mayor Freddie Foster, Vice-Mayor Doug Colonell (via Zoom), Commissioner Tom Harding, Commissioner Tom DiFransico, Commissioner Kirk Diehl. **Also present:** City Attorney Dirk Smits, City Administrator John Bartus, Building Official Tony Loreno, Building Assistant Samantha Rodamer, Administrative Assistant Par Darnall, City Clerk Silvia Roussin, Chief of Police James Muro, Chief of Police Kris Digiovanni, Planning & Zoning Board Chair George Lancaster.

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

There were no changes to the agenda, and Mayor Foster asked for a motion to approve.

MOTION: Motion made by Commissioner DiFransico to approve the agenda. Commissioner Harding seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

3. **Citizen Comments & Correspondence:** City Clerk Roussin reported receiving correspondence from Steve Wenger, who stated no objections to the after-the-fact variance application for 1250 Coury Drive.
4. **Administration of Oath of Witnesses:** City Clerk Roussin administered the Oath of Witness to Building Official Loreno.
5. **Disclosure of Ex-Parte Communication:** None.
6. **Variance Request: A Variance Request from Gizelle Andrade Sarmento and Ian Michael Morgan, owners of the property at 491 10th Street, Key Colony Beach, Florida 33051, for the construction of a residential pool that would encroach into the setback by 5 feet.**

a. **Proof of Legal Publications & Affidavits of Mailing/Posting:** Included in the agenda packet.

b. **Variance Application:** Planning & Zoning Chair Lancaster informed that the type of variance application is a common request and the topic to be discussed later during the meeting for an amendment to the Code of Ordinances for side setback requirements.

c. **Recommendation by the Building Official:** Building Official Loreno agreed with Planning & Zoning Chair Lancaster and recommended approval for the request.

d. **Applicant Questions & Responses:** Mayor Foster read the Applicant Questions and Responses.

e. **Letter(s) of Approval from Neighbors (recommended/not required):** None.

f. **Post-Hearing Questions**

City Clerk Roussin provided the reading of the Post-Hearing questions and the corresponding rollcall.

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

Commissioner Harding	yes
Commissioner DiFransico	yes
Commissioner Diehl	yes
Vice-Mayor Colonell	yes
Mayor Foster	yes

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

Commissioner DiFransico	yes
Commissioner Diehl	yes
Vice-Mayor Colonell	yes
Commissioner Harding	yes
Mayor Foster	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?

Commissioner Diehl	yes
Vice-Mayor Colonell	yes
Commissioner Harding	yes
Commissioner DiFransico	yes
Mayor Foster	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.

Vice-Mayor Colonell	yes
Commissioner Harding	yes
Commissioner DiFransico	yes
Commissioner Diehl	yes
Mayor Foster	yes

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

Commissioner Harding	yes
Commissioner DiFransico	yes
Commissioner Diehl	yes
Vice-Mayor Colonell	yes
Mayor Foster	yes

b. Approve, deny, or approve with conditions

Mayor Foster asked for a motion to approve or deny.

MOTION: Motion made by Commissioner DiFransico to approve the variance. Commissioner Diehl seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

7. **Variance Request: A Variance Request from Capi Group Holdings, LLC., owner of the property at 1250 Coury Drive, Key Colony Beach, Florida 33051, The Applicant requests an After-the-Fact Variance from the City of Key Colony Beach Land Development Regulations, Chapter 101, Section 10 (8), for the construction of an approved residential project that has reached its top level as per the permitted plans. A variance is sought for additional height to provide access to the observation deck, which was previously approved as part of the original project design, and the requested height increase is necessary to ensure safe and functional access.**

a. Proof of Legal Publications & Affidavits of Mailing/Posting: Included in the agenda packet.

b. Variance Application: Mayor Foster introduced the requested variance, informed of approval by the former Building Official for the project, and the fault lay with the city.

c. Recommendation by the Building Official: Building Official Lorenzo agreed with Mayor Foster and explained the height calculations for buildings in the city, noting that the applicant had been instructed to use FEMA calculations, which are incorrect.

Mayor Foster invited the applicant to speak. City Clerk Roussin administered the Oath of Witness to George Perez.

George Perez testified that the former Building Official approved the building plans, and he was unaware that mistakes had been made.

Building Official Lorenzo recommended approval of the request, citing that the mistake was not the owner's fault.

d. Applicant Questions & Responses: Mayor Foster read the Applicant Questions and Responses.

e. Letter(s) of Approval from Neighbors (recommended/not required): Included in the agenda packet.

f. Post-Hearing Questions

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

Commissioner Harding	yes
Commissioner DiFransico	yes
Commissioner Diehl	yes
Vice-Mayor Colonell	yes
Mayor Foster	yes

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

Commissioner DiFransico	yes
Commissioner Diehl	yes
Vice-Mayor Colonell	yes
Commissioner Harding	yes
Mayor Foster	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?

Commissioner Diehl	yes
Vice-Mayor Colonell	yes
Commissioner Harding	yes
Commissioner DiFransico	yes
Mayor Foster	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.

Vice-Mayor Colonell	yes
Commissioner Harding	yes
Commissioner DiFransico	yes
Commissioner Diehl	yes
Mayor Foster	yes

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

Commissioner Harding	yes
Commissioner DiFransico	yes
Commissioner Diehl	yes
Vice-Mayor Colonell	yes
Mayor Foster	yes

MOTION: Motion made by Commissioner DiFransico to approve the variance. Commissioner Diehl seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

- 8. Other Business:** Commissioner DiFransico commented on the approval process and the responsibilities of the Architect, Engineer, and Building Department. Building Official Loreno confirmed that liability for building plans falls on the engineer and emphasized the need to ensure that building plans are correctly submitted.
- 9. Adjourn:** The meeting was adjourned at 9:53 AM.

Respectfully submitted,

Silvia Roussin

City Clerk

ADOPTED: November 20, 2025

Silvia Roussin

City clerk