

MINUTES
PLANNING & ZONING BOARD
REGULAR MEETING & PUBLIC HEARING

Wednesday, April 15, 2026 – 3:30 PM

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 Planning & Zoning Board was called to order by Chair George Lancaster at 3:30 PM, followed by Rollcall. **Present:** Chair George Lancaster, Vice-Chair Lin Walsh, Lynne Conkling, Skip Helme, Lenny Geronemus. **Also present:** Commissioner Tom Harding, Commissioner Kirk Diehl, City Administrator John Bartus, Building Official Tony Loreno, Administrative Assistant Par Darnall, City Clerk Silvia Roussin, Boatlift Applicant Jesse Schmidt.
2. **Approval of the 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 Chair Lancaster asked for a motion to approve.

MOTION: Motion made by Lenny Geronemus to approve. Lynne Conkling seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

3. **Citizen Comments & Correspondence:** Chair Lancaster asked for citizen correspondence. City Clerk Roussin reported that on April 10th, owners of the Castillo Del Sole Condominiums wrote to the Board in opposition to the request for a boatlift at 841 W. Ocean Drive. City Clerk Roussin further reported that on April 13th, Tom and Molly Hill wrote to the Board in support of the Variance Request for the installation of a Pool at 620 10th Street.
4. **Approval of Minutes:** Planning & Zoning Board Minutes February 18th, 2026: There were no changes to the minutes, and Chair Lancaster asked for a motion to approve.

MOTION: Motion made by Lenny Geronemus to accept the minutes. Lynne Conkling seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

5. **Administration of the Oath of Witness:** City Clerk Roussin administered the Oath of Witness to Building Official Loreno.
6. **Disclosure of Ex-Parte Communications:** Chair Lancaster asked about exposure to ex-parte communications. Lynne Conkling stated that she is a neighbor and friend with the owners of the property at 620 10th Street, who are seeking variance applications, and that she has had conversations about pool setback requirements and possible variances. Lynne Conkling stated that she does not believe these communications would affect her impartiality in considering the evidence. Chair Lancaster had no objections.
7. **Discussion/Approval for installation of a 40,000 lb. Cradle-Style Boat Lift for the property at 841 W. Ocean Drive**
 - a. Engineering Plans
 - b. FDEP Qualification Letter
 - c. Owner Letter
 - d. Neighbor Letter of Approval
 - e. Neighbor Letter of Opposition

Chair Lancaster introduced the agenda item and asked Building Official Loreno to elaborate. Building Official Loreno reported that in 2022 the Army Corps of Engineers originally approved the dock, including a boat lift. Building Official Loreno explained that the boat lift was never installed, that it fits within riparian lines, and that nothing in the city's codes would prohibit its installation. Building Official Loreno also provided further comment on the body of water and the location for the proposed installation.

Chair Lancaster invited Board comments.

Ms. Conkling stated there had been no prior boat-lift applications at this location and noted the opposition correspondence prompted additional review. She described the adjacent near-shore area as shallow and commonly used for casual swimming and raised concerns about boating activity in proximity to swimmers, including potential public-safety and liability considerations. Lynne Conkling referenced state and federal review considerations (including FDEP and the U.S. Army Corps of Engineers) and questioned whether a site-specific evaluation had occurred, given the area's use for swimming. Building Official Loreno advised that the City's review is based on applicable City Code requirements and stated that, to his knowledge, the proposed lift location fits within riparian lines and is not prohibited by City Code; he indicated he would follow up on questions raised. Lynne Conkling referenced a "300-foot" clearance standard for designated swimming areas and expressed concern about an adjacent area she described as a de facto and unmarked swimming area. Chair Lancaster asked for clarification regarding what constitutes a designated swimming area; the Board discussed marked swimming areas and the potential use of a marker buoy. Vice-Chair Walsh stated she understood the concerns raised but did not see a basis to deny the request under City Code as presented. Lenny Geronemus noted the dock had previously been permitted and that boat activity is already present in the area, and questioned how approval or denial of a lift would change existing boat traffic. Discussion also addressed the applicant's stated intent not to leave a boat on the lift permanently and the Board's ability to enforce such intent. Lenny Geronemus asked about the correspondence received in support and opposition, and City Clerk Roussin clarified what was included in the agenda packet.

Lenny Geronemus questioned the applicability and measurement of the "300-foot" swimming-area clearance standard discussed. Lynne Conkling reiterated her concern and stated she was not comfortable proceeding without legal review.

The applicant, Jesse Schmidt, asked for the ability to speak, which Chair Lancaster granted. City Clerk Roussin administered the Oath of Witness to Jesse Schmidt.

Mr. Jesse Schmidt introduced himself and described the purpose of the application, stating that the lift would assist his two wheelchair-bound sons in accessing the family boat more safely. He described difficulties transferring to and from the boat without a lift and stated his intent not to keep a vessel on the lift full-time. Mr. Schmidt noted ongoing boat traffic in the area and stated the location is within a no-wake zone. Building Official Loreno advised that the prior boat-lift permit had expired. Skip Helme commented that the proposed lift would not negatively affect existing boat traffic.

Building Official Loreno addressed questions regarding permitting requirements, including any approvals applicable to lift equipment. The Board also discussed adjacent-neighbor approval and notice requirements, as well as related City Code provisions; City Clerk Roussin read the applicable code language into the record.

Lynne Conkling expressed concern that prior approvals may not have fully accounted for current site conditions and requested additional due diligence, including a review of the specific location and any relevant agency determinations. She expressed understanding of the applicant's request but noted concerns about the potential use of the adjacent swimming area. Chair Lancaster suggested proceeding with a motion that would include legal review.

Ms. Conkling stated she had drafted proposed motion language contingent upon confirmation that the relevant agencies have been consulted and that concerns regarding adjacent swimming areas have been evaluated. Chair Lancaster asked whether any Board member objected to placing a motion on the table. Vice-Chair Walsh reiterated her earlier comments that the applicant had presented DEP documentation, that staff had not identified a City Code basis for denial, and that she did not object to moving forward. Lynne Conkling referenced code language and statutes related to existing mooring areas and questioned whether the documentation in the packet fully addressed the circumstances. Vice-Chair Walsh asked about the relevance of the Americans with Disabilities Act; it was noted that ADA requirements were not applicable because the request involves private property. Chair Lancaster asked Lynne Conkling to make a motion.

MOTION: Motion made by Lynne Conkling to accept the application for a boatlift at 841 W. Ocean Drive, based on the following findings: The Subject property is located on the open-ocean side of Key Colony Beach, where nearshore waters are shallow and commonly used for wading and swimming. The applicant will provide site-specific evidence demonstrating that the proposal will not create unsafe interactions between vessels and swimmers, and the City Attorney will review and make a recommendation on compliance with legal provisions for permitting. Chair Lancaster seconded the motion.

FURTHER DISCUSSION: Building Official Loreno commented on the DEP verbiage of an existing mooring area

and his understanding that the proposed lift meets environmental standards that minimize impact on seagrass, mangroves, and navigation. Lenny Geronemus asked for a possible grandfathering clause of the original permit. Building Official Loreno stated that he had not been present at the time of the original permit approval, but that the original permit had expired and was no longer relevant, and commented on not being able to grandfather in potential hazardous conditions once known. Skip Helme commented that if the boatlift were installed, there would be less activity with boats coming in and out of the ocean to the dock area, where the lift would pose less risk than coming to the dock. Lenny Geronemus agreed with the statement. Lynne Conkling stated that she had to base her decision on perceived rules, opposition's stated potential swimming issues, and considerations of responsibility. Vice-Chair Walsh commented on existing boat traffic, boatlifts along the water's edge, and beaches. Lynne Conkling stated to have specifically looked at beachfront properties, and it was reasonable to approve the request after legal review for the city not subjecting itself to liability, knowing there is a swimming area adjacent. Lynne Conkling repeated her motion to conditionally approve the application once legal review determined that no hazard was being approved. **ON THE MOTION:** Rollcall vote. Unanimous approval.

City Clerk Roussin informed that the recommendation is to be presented to the City Commission on May 20th.

8. Items for Discussion/Recommendation of Approval

A. A Variance Request from Kenneth and Ellen Jones, owners of the property at 620 10th Street, Key Colony Beach, for the construction of a residential swimming pool that would encroach into the setback by 3 feet.

1. Proof of Legal Publications & Affidavits of Mailing/Posting
2. Variance Application
3. Applicant Questions & Responses
4. Recommendation by the Building Official

Chair Lancaster introduced the variance request and asked that the applicants' questions and responses be read first.

City Clerk Roussin read the applicant's questions and responses into the record.

Chair Lancaster asked Building Official Loreno for comment. Building Official Loreno explained that, with the variance approval, the homeowners will have an additional two feet from their house; an engineering letter examining the seawall found no structural problems with the pool being built and noted no visual difference in the setback.

Lenny Geronemus noted that both Variance applications use identical wording in the applicants' questions and responses and asked whether, for expediency, both requests could be addressed at the same time. City Clerk Roussin advised that the discussion of both requests could be held together, but that the motions and post-hearing questions would remain separate. The Board gave consensus that the applicants' questions and answers for 630 10th Street need not be read again.

Chair Lancaster asked for the Post-Hearing questions to be read. Lynne Conkling asked for a Point of Order to have further discussion.

Lynne Conkling commented on the requests to set a precedent as being reviewed after the code requirements were changed, and to have completed research on the matter and encroachment of a seawall to be considered. Discussion followed on setback requirements, property boundary verification, the definition and identification of mean high water, and engineering requirements to ensure seawall stability and life safety during and after construction. Lynne Conkling raised concerns about language in the engineering certification and continued by describing 10 items that have appeared in various litigation issues in Florida, with entities finding them a condition of approval. Lynne Conkling suggested that the applicant provide the following: 1. Signed and sealed plans certified by a Florida Structural Engineer that include the following: the pool and excavation will not compromise the seawall, no loss of lateral support will occur, and the design accounts for soil and groundwater conditions. 2. Provide seawall documentation: seawall height, construction type, and current condition assessment. 3. Geo-technical/Soil evaluation, including soil type and compaction, groundwater elevation, and risks of soil mitigation or voids. 4. Construction method requirements, including excavation, and protection of seawall footing/toe during excavation. 5. Groundwater and hydrostatic control, including hydrostatic relief valves in the pool design and assurance of no soil washout behind the seawall. 6. Drainage plan to include no water accumulation between pool and seawall and no

increased hydrostatic pressure on seawall. 7. Pre-construction conditions survey documenting seawall condition before construction. 8. Engineering inspection requirements – perform construction-phase inspections, or certify compliance upon completion. 9. Indemnification and acknowledgment of risks by applicant – risk associated with reduced setback and responsibility for any seawall impacts resulting from construction. 10. Optional strong safeguard Engineers' certification – approval is contingent upon the engineer specifically certifying that the pool can be constructed safely at a 7-foot setback without undermining or adversely affecting the seawall.

Approval is based on the condition that all engineering demonstrates no adverse structural impact to the seawall. Failure to provide such documentation shall void this approval. Building Official Loreno explained that engineering review and inspections during construction are intended to address these concerns and discussed potential process improvements for future applications, including more stringent assessments where warranted. Skip Helme asked questions regarding caps and tiebacks and noted potential concerns if structural elements were cut and not properly repaired. Board members discussed potential design alternatives to reduce risk, including narrowing and lengthening the pool. Further discussion on ensuring no seawall compromise followed, with consideration of variables, confirmation of the scope of the work included on the permit, and confirmation that the scope did not include a tiki structure.

5. Post-Hearing Questions

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

Skip Helme	Yes
George Lancaster	Yes
Lin Walsh	Yes
Leonard Geronemus	Yes
Lynne Conkling	No

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

George Lancaster	Yes
Lin Walsh	Yes
Leonard Geronemus	Yes
Lynne Conkling	No
Skip Helme	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	No
Skip Helme	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	No
Skip Helme	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	No
Skip Helme	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 deny, or approve with conditions.

MOTION: Motion made by Lynne Conkling to approve the variance request for 620 10th Street with conditions, contingent upon receipt and review of satisfactory documentation addressing the engineering and seawall stability items as discussed. Skip Helme seconded the motion.

FURTHER DISCUSSION: Vice-Chair Walsh asked what additional information could be requested from the engineer. Building Official Loreno stated that the engineer can be given the opportunity to address some of the questions to satisfy the Board. Lynne Conkling commented on the pool's location relative to the seawall, and on engineering requirements and variables affecting seawall stability. Lynne Conkling noted that the engineer letter (p. 33) certified that “*when* appropriate methods of construction are used ...” Since this is the first time a variance is being sought to locate a swimming pool closer than 10 feet from a seawall, Lynne Conkling suggested the City require the engineer to detail the “appropriate methods of construction” to address the 10 items previously suggested. . Building Official Loreno offered to meet with Lynne Conkling and the engineer, and to develop a process for this type of variance request. Lynne Conkling expressed support for the suggestion.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Roussin informed that the recommendation will be presented to the City Commission on May 21st, 2026, and clarified that the recommendation for the boatlift will be heard on the same date as well.

B. A Variance Request from Brian Vliem of Vliem Vacation Rentals, LLC, owner of the property at 630 10th Street, Key Colony Beach, for constructing a residential swimming pool that would encroach into the setback by 3 feet.

1. Proof of Legal Publications & Affidavits of Mailing/Posting
2. Variance Application
3. Applicant Questions & Responses
4. Recommendation by the Building Official

Chair Lancaster asked for guidance on whether a discussion is necessary for the property at 630 10th Street, as it is identical to the previous one. City Clerk Roussin advised making a motion to accept all discussion and evidence and provided notes under the variance application for 620 10th Street for 630 10th Street. Chair Lancaster asked for a motion.

MOTION: Motion made by Skip Helme to approve. Vice-Chair Walsh seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

5. Post-Hearing Questions

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

Skip Helme	Yes
George Lancaster	Yes
Lin Walsh	Yes
Leonard Geronemus	Yes
Lynne Conkling	No

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

George Lancaster Yes
Lin Walsh Yes
Leonard Geronemus Yes
Lynne Conkling No
Skip Helme 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 No
Skip Helme 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 No
Skip Helme 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 No
Skip Helme 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. City Clerk Roussin stated the motion to approve the variance request with conditions, contingent upon receipt and review of satisfactory documentation addressing the engineering and seawall-stability issues discussed.

MOTION: Motion made by Lynne Conkling to approve. Chair Lancaster seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Roussin informed that the recommendation will be presented to the City Commission on May 21st.

9. Other Business: None.

10. Next meeting: May 20th, 2026, 3:30 PM

11. Adjourn: The meeting adjourned at 4:56 PM.

Respectfully submitted,

Silvia Roussin
City Clerk

ADOPTED: May 20, 2026
Silvia Roussin
City Clerk