

MINUTES

KEY COLONY BEACH CITY COMMISSION PUBLIC HEARING

Thursday, May 21st, 2026, 3:30 PM
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 City Commission Public Hearing was called to order at 3:30 PM by Mayor Freddie Foster, followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Mayor Freddie Foster, Vice-Mayor Doug Colonell, Commissioner Tom Harding, Commissioner Tom DiFransico, Commissioner Kirk Diehl (via Zoom). **Also present:** City Attorney Jim Hicks, City Administrator John Bartus, Building Official Tony Loreno, Public Works Department Head Mike Guarino, Acting Chief of Police Jamie Buxton, Acting Fire/EMS Chief Shawna Rogers, Planning & Zoning Board Chair George Lancaster.

Mayor Foster found cause for Commissioner Diehl to attend via Zoom.

Public Attendance: 11

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

Mayor Foster stated his intent to remove the agenda item for approval of the boatlift to enable follow-up on outstanding questions regarding the matter. There were no other changes to the agenda, and Mayor Foster asked for a motion to approve the agenda with changes.

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

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval

3. **Citizen Comments & Correspondence**

City Clerk Roussin provided the following citizen correspondence:

May 2, 2026 – Owners at Catillo del Sol Condominiums wrote to the City Commission, following up on their initial letter of opposition with additional concerns about the impact of the proposed boat lift at 841 W. Ocean Drive.

May 17, 2026 – Jim Howe at 901 W. Ocean Drive wrote, expressing his opposition to the proposed boat lift at 841 W. Ocean Drive and raising concerns about a public safety hazard and setting a precedent for the coastline.

May 19, 2026 – Stephen Cole and Nancy Talbott wrote to the City Commission with concerns and opposition to the proposed boat lift at 841 W. Ocean Drive.

4. **Administration of the Oath of Witness:** City Clerk Roussin administered the Oath of Witness to all planning to testify.
5. **Disclosure of Ex Parte Communication:** Mayor Foster informed the Board that he had spoken to one of the residents and the engineer on the record, and that these communications would not affect his vote.

Mayor Foster asked for citizen comments on the agenda items.

Lynne Benton, 621 10th Street, stated that she has been friends and neighbors with the applicants for the property at 620 10th Street and, as a result of the application, began researching the issue. She emphasized that her comments were not intended as criticism and were not personal in nature.

City Clerk Roussin asked Ms. Benton to confirm that she was speaking as a private resident and not in her capacity as a member of the Planning & Zoning Board. Ms. Benton confirmed that she was speaking solely as a private resident.

Ms. Benton continued by discussing the City's pool setback requirements and her interpretation of the applicable code provisions. She expressed her belief that approval of the variance would constitute a special privilege for the property owner. Ms. Benton further stated that, in her opinion, amendments to the code and codification of new standards would be more appropriate than granting variances in situations where the required hardship criteria have not been met.

There were no further citizen comments.

- ~~6. Discussion/Approval of a 40,000 Pound Cradle Style Boat Lift for the property at 841 W. Ocean Drive, per the Recommendation of the Planning & Zoning Board.**Tabled**~~
- ~~a. Engineering Plans~~
 - ~~b. FDEP Qualification Letter~~
 - ~~c. Owner Letter~~
 - ~~d. Neighbor Letter of Approval~~
 - ~~e. Neighbor Letter of Opposition~~
 - ~~f. Recommendation by the Planning & Zoning Board~~
7. Discussion/Approval of 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, per the Recommendation of the Planning & Zoning Board
- a. Proof of Legal Publications & Affidavits of Mailing/Posting
 - b. Variance Application
 - c. Applicant Questions & Responses
 - d. Recommendation by the Building Official
 - e. Recommendation by the Planning & Zoning Board

Mayor Foster introduced the agenda item and invited the applicant to speak on his requested variance.

Ken Jones, owner of 620 10th Street, spoke about the requested variance, cited research on comparable regulations in other municipalities, addressed citizen comments, and discussed the size of his property, the replacement seawalls, and his view that the practical effect of the variance would be reduced to approximately 18 inches. Mr. Jones stated that the requested minor variance would not compromise the seawalls along the canal, that his seawall will remain structurally sound and largely unnoticeable, and thanked the Commission for its consideration.

Mayor Foster asked Planning & Zoning Chair Lancaster to give the Planning & Zoning Board's recommendation.

Planning & Zoning Chair Lancaster presented the Planning & Zoning Board's recommendation and informed that the request was approved with conditions and that the Building Department would follow up. Building Official Loreno confirmed there were no open items on the request.

Mayor Foster asked for a motion to approve.

MOTION: Motion made by Vice-Mayor Colonell to approve. Commissioner DiFransico seconded the motion.

DISCUSSION: Mayor Foster apologized to James Rhyne, the Engineer on record, for prior comments about his expertise based on age and length of service, and acknowledged that the comments were inappropriate. Building Official Loreno confirmed that the pool contractor and the engineer for the pool and seawall had addressed the relevant requirements and that the engineering conditions related to the original variance were met. Commissioner

DiFransico raised concerns regarding the Land Development Regulations, noting the City's responsibility to protect citizens from encroachments into setbacks and stating that the justification required under the City's procedures had not been met in this case. Commissioner DiFransico suggested that the City reconsider how it defines and applies hardship standards, including whether competitive disadvantage in the vacation-rental market should qualify, and expressed concern that approval could amount to granting a special privilege. Commissioner DiFransico also noted that the existing criteria may not be ideal, referenced similar standards used by Key West and Marathon, and suggested that the Planning & Zoning Board review the current criteria to determine whether they should be modified. Mayor Foster commented on the Planning & Zoning Board's role in applying the Land Development Regulations and noted that certain changes had been made over time. He also stated that he had spoken with the City of Marathon's Building Official, who expressed no concerns on the matter. Chair Lancaster commented that the written questions and responses were cumbersome and at times confusing. Mayor Foster added that the term "hardship" may be interpreted differently, while the statutes provide the governing framework for Planning & Zoning to make its recommendation. Commissioner Harding suggested reviewing the ordinance and considering an amendment to the engineering requirements, including coordination between Planning & Zoning and staff to determine whether revisions to the ordinance are warranted.

ON THE MOTION: Rollcall vote. Unanimous approval.

8. **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.**
- a. Proof of Legal Publications & Affidavits of Mailing/Posting
 - b. Variance Application
 - c. Applicant Questions & Responses
 - d. Recommendation by the Building Official
 - e. Recommendation by the Planning & Zoning Board

Mayor Foster introduced the variance request, noting that it was identical to the previous one, and asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve. Vice-Mayor Colonell seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

9. **Other Business:** None.

10. **Adjourn:** The meeting adjourned at 3:53 PM.

Respectfully submitted,

Silvia Roussin

City Clerk

ADOPTED: June 18, 2026

Silvia Roussin

City Clerk

Clark

05-21-2026 Citizen Correspondence – Public Hearing

The City Clerk's Office received the following correspondence:

May 2, 2026 – Owners at Catillo del Sol Condominiums wrote to the City Commission, following up on their initial letter of opposition with additional concerns about the impact of the proposed boat lift at 841 W. Ocean Drive.

May 17, 2026 – Jim Howe at 901 W. Ocean Drive wrote, expressing his opposition to the proposed boat lift at 841 W. Ocean Drive and raising concerns about a public safety hazard and setting a precedent for the coastline.

May 19, 2026 – Stephen Cole and Nancy Talbott wrote to the City Commission with concerns and opposition to the proposed boat lift at 841 W. Ocean Drive.

All correspondence has been distributed to the City Commission and will be included in the official minutes for today's meeting.

Thank you,

Silvia Roussin

City Clerk

**Owners at Castillo del Sol Condominiums
799 West Ocean Drive
Key Colony Beach, Florida 33051**

May 2, 2026

**City Commissioners
Key Colony Beach, Florida**

Dear Commissioners:

We, the Owners at Castillo del Sol, have recently been in contact with the Planning and Zoning Board of our city regarding the proposed placement of a 40K, 8 post cradle boat lift located at 841 West Ocean Drive.

Pursuant to the April 15th Zoning Board meeting, it is our understanding that there may be a tentative approval for this project pending some further review. We are currently following up our initial letter of opposition with additional concerns regarding the impact of this proposal.

Since this process appears to be moving rather swiftly, we are taking the liberty of attaching a copy of our letters for your review. This is not intended to supersede the authority of the Zoning Board, but to ensure that the City Commissioners are at least made aware of our concerns before a final decision is rendered.

We appreciate your thoughtful attention to our situation.

Respectfully,

Owners at Castillo del Sol

Owners at Castillo del Sol Condominiums

799 West Ocean Drive

Key Colony Beach, Florida 33051

April 28, 2026

City Hall Auditorium

City of Key Colony Beach

600 West Ocean Drive

Key Colony Beach, Florida 33051

ATTN: Planning and Zoning Board

Dear Members of the Planning and Zoning Board:

This letter is a follow-up to a previous correspondence to the Planning and Zoning Board dated April 10, 2026 regarding a proposed placement of a 40K, 8 post cradle boat lift to be located at 841 West Ocean Drive.

It is our understanding that despite what appears to be tentative approval, that there remains open discussion regarding this proposal. Accordingly, we would like to put forth additional justifications to support our opposition to this plan.

- 1. Noted in the application is a letter from the Florida Department of Environmental Protection dated February 29, 2024 approving this project based on information submitted to the department. There is no indication that anyone from that agency made an "on-site" visit to evaluate first-hand the actual impact of this project on our fragile marine environment. Also, this approval was granted 2 years ago when the original proposal was for a much smaller structure.**
- 2. The petitioner states that it is his intention to only use this boat lift on a "part-time basis." However, when given the convenience of having his boat immediately available, it's hard to believe that this will not in fact, become a "full-time" indulgence.**

Furthermore, it has come to our attention that the petitioner owns 2 large boats raising the real possibility that both vessels may at some point be moored at the same location.

3. **“Safety.”** It is well known that we have local residents, ourselves included, who regularly swim, paddle boat, wind surf and snorkel in the immediate area of this proposed dock and boat lift. Visibility of these participants when in the water is extremely poor. A large boat navigating this area raises serious safety issues and/or may discourage people from even going into the water to avoid this risk.
4. **“Liability.”** Some of us at Castillo del Sol have been owners or residents for 35+ years. We have experienced first-hand the unimaginable destruction generated by severe weather, especially hurricane wind and ocean surges. And in spite of every reassurance and precaution there is risk that all, or parts of this dock/boat lift may become separated and cause catastrophic damage to structures on land. As adjacent property owners we have concerns as to who bears responsibility for any damages that may impact our land or buildings should this occur. Is it the petitioner who is liable, or is it the City of Key Colony Beach who approved the placement of this structure?
5. Lastly, we’re back again to the fundamental concept of “established precedent.” We are aware that the city of Key Colony Beach, like most of Marathon, is centered around boating and fishing. However, the ocean front is the only real beach area that Key Colony Beach can take pride in. Once there is formal approval for placing a boat lift along ocean front property there becomes an established precedent for additional lifts. This has the very real potential to dramatically disfigure the beautiful coastline that is ocean front to the City of Key Colony Beach. We urge you, our city leaders to give this ruling very serious consideration as it will have profound impact for future generations.

These, as well as the previously cited concerns in our letter from April 10 are why we respectfully, but strongly oppose placement of a boat lift at 841 West Ocean Drive. We believe there are other potential options short of building this structure, and once again encourage the applicant to consider pursuing alternative plans.

Since it appears that the proposal for this boat lift is proceeding, we would like the Zoning Board to know that we will be sending a copy of our letters to the City Commissioners of Key Colony Beach so that they are equally aware of our position in opposing this application.

Respectfully,

Gail and Dr. Robert Zimmerman (Unit 4)

Dr. and Mrs. Robert Zimmerman

John Rudolph (Unit 4)

*Gail Zimmerman
on behalf of
John Rudolph*

Betsy Egan (Unit 3)

*Theresa Hughes
on behalf of
Betsy Egan*

Dr. Jeff and Julie Kesler (Unit 103)

Dr. & Mrs. Jeff Kesler

Stephen and Phyllis Pastore (Unit 104)

Mr. & Mrs. S. Pastore

Richard and Terry Hughes (Unit 105)

*Mr. & Mrs. Richard
Hughes*

Alex and JoAnn Lieblong (Unit 2)

*Alex
JoAnn*

Owners at Castillo del Sol Condominiums

799 West Ocean Drive

Key Colony Beach, Florida 33051

April 10, 2026

City Hall Auditorium

City of Key Colony Beach

600 West Ocean Drive

Key Colony Beach, Florida 33051

ATTN: Planning and Zoning Board

Dear Sirs:

It has recently come to our attention that there is a pending proposal for placement of a 40K 8 post cradle boat lift to be located at 841 West Ocean Drive in our city of Key Colony Beach.

We currently reside in an adjacent property at 799 West Ocean Drive and while we understand and can fully empathize with the rationale for this proposal, we wish to respectfully voice our strong opposition to this plan.

For one, we understand that this to be a sizeable installation designed to accommodate a 46-foot boat.

Secondly, we are in full concurrence with the concerns cited by our neighbors located at The Residences at West Ocean Drive (see attached letter) who have expressed justified apprehension with regard to recreational safety factors, electrical safety concerns, environmental impact, substantial view obstruction, and increased storm and hurricane risk.

Finally, there is the all-important issue of “established precedent.” The City of Key Colony Beach has prided itself in promoting a community of matchless beauty that includes an oceanfront that is uncluttered and as close to pristine as to be found anywhere in the Keys. By allowing this

installation, the city will be opening the door to future boat lifts being constructed resulting in irreparable disfigurement to our beautiful coastline.

For the above reasons, we request the Planning and Zoning Board deny the request to install the proposed boat lift, and recommend instead, that the applicant pursue other available options.

Respectfully,

Robert and Gail Zimmerman

John Rudolph

Unit 4D, Castillo del Sol Condominiums

Betsy Egan

Unit 3D, Castillo del Sol Condominiums

Stephen and Phyllis Pastore

Unit 104, Castillo del Sol Condominiums

Richard and Theresa Hughes

Unit 105, Castillo del Sol Condominiums

THE RESIDENCES AT WEST OCEAN DRIVE

FEBRUARY 26, 2026

Mr. Jesse Schmid
841 W Ocean Drive
Key Colony Beach, FL 33051

Mr. Schmid...

Dale Bruns (Bruns Family, LLP), one of five owners in our condominium association, recently received the "Letter of Concurrence for Boat Lift Installation" (below) you requested. Neither our association nor the other four owners received your letter, or any other communication regarding a boat lift.

For the record.. The Residences association board and all five owners reviewed and respectfully oppose installation of the proposed boat lift for reasons including the following...

1. Recreational Safety Concerns... Boat maneuvering operations would be in close proximity to recreational swimming, children playing in the water, paddleboarding, and kayaking that would present safety concerns that cannot be ignored.
2. Electrical Safety Concerns... The proposed lift will require electrical service. The presence of electrical infrastructure over or adjacent to waters in close proximity to recreational swimming, children playing at water's edge, paddleboarding, and kayaking presents safety concerns that cannot be ignored.
3. Environmental Impact ... The vicinity of the proposed installation contains seagrass habitat. Installation, shading, and vessel activity associated with a lift could negatively affect this protected marine environment.
4. Substantial View Obstruction... the proposed boat lift and boat would materially and substantially obstruct the ocean views from our condominium units. These view corridors represent a significant property value component.
5. Increased Storm and Hurricane Risk... Boat lifts and elevated vessels face a high risk of structural damage from high winds and storm surges. In the event of a tropical storm or hurricane, these

structures may fall and cause secondary damage to our building, swimming pool, and surrounding grounds.

For these obvious reasons, there are presently no boatlifts located anywhere on Key Colony's Beach.

The Residences Board of Directors and each of the condo owners respectfully oppose construction of a boat lift on your 841 West Ocean Drive, Key Colony Beach property.

Respectfully,

THE RESIDENCES BOARD OF DIRECTORS and owners...

Bruns Family, LLP

Thomas R. Benck & Tracy Benck

James I. Howe & Betty K. Howe

Charles Martin Family, LLC

Stephen W. Cole Revocable Trust

5800 Overseas Highway, Ste 17 – Marathon, Florida 33050 – 305.743.4599

THE RESIDENCES AT WEST OCEAN DRIVE

FEBRUARY 26, 2026

files.constantcontact.com

Sent from my iPhone

Silvia Roussin

From: Jim Howe <jim.howe@belfairdev.com>
Sent: Sunday, May 17, 2026 8:57 AM
To: KCB Mayor
Cc: Doug Colonell; Tom Harding; Tom DiFransico; Kirk Diehl; John Bartus; Silvia Roussin; Tony Loreno; Betty Howe; Charles Martin R3e Owner; Cheryl Bruns; Dale Bruns; Joy Martin; Nancy Talbott; Steve Cole; Tom Benck; Tracy Benck
Subject: Formal Opposition to Proposed 40,000lb Boat Lift at 841 W Ocean Drive

Dear Mayor Foster:

I am writing to formally express my opposition to the proposed construction of a massive 40,000lb boat lift at the property at 841 West Ocean Drive and adjacent to my property at The Residences at 901 W Ocean Drive. As a long-term Key Colony property owner, I am deeply concerned that approving this structure would create a significant public safety hazard and set a precarious precedent for our coastline.

My opposition is based on three critical factors:

- **Environmental Volatility:** This stretch of W Ocean Drive faces direct southern exposure to the Atlantic Ocean. Unlike sheltered canals or bays, this location is subject to high-energy surf and significant storm surges. A structure of this scale is not designed for the mechanical stress of open-ocean conditions.
- **Public Safety & Liability:** In the event of a named storm, a 40,000lb lift—and 46 foot boat it supports—becomes a massive piece of potential "flying" debris. The risk of this equipment failing and causing catastrophic damage to neighboring structures, common areas, and municipal beach infrastructure is unacceptably high.
- **Lack of Precedent:** There are currently zero boat lifts with direct southern exposure on this stretch of beach. Granting this permit would be a radical departure from the established character and safety standards of our shoreline. It would set a dangerous "grandfathering" precedent for future, equally hazardous requests.

We believe this is not a matter of property rights, but a matter of public safety and responsible coastal management. I respectfully urge you to deny this application... to protect the integrity of the beach and private property, and for the safety of all who enjoy Key Colony's beach and coastal waters.

Thank you for your time and for your commitment to our community, and to our community's safety.

Sincerely,

Jim Howe
901 W Ocean Drive
254/541-3099

Cc: Doug Colonell, Vice Mayor
Tom Harding, Secretary/Treasurer
Tom DiFransico, Commissioner
Kirk Diehl, Commissioner

John Bartus, City Administrator
Silvia Roussin, City Clerk
Tony Loreno, Building Official

Silvia Roussin

From: Nancy Talbott <ntalbott2005@gmail.com>
Sent: Tuesday, May 19, 2026 1:35 PM
To: KCB Mayor
Cc: Tom Harding; Tom DiFransico; Tony Loreno; Silvia Roussin; John Bartus; Doug Colonell; Kirk Diehl
Subject: Opposition to boatlift at 841 West Ocean Drive

Dear Mayor Foster,

We are property owners and residents of Key Colony Beach, Florida, and are concerned about the permit for a boat lift at 841 West Ocean Drive, scheduled for discussion by the commissioners on Thursday, May 21.

We oppose this large boat lift. We understand the owner wants better access to load his two sons, who are wheelchair-bound, onto his boat. We are sensitive to this family's needs, but we are concerned that decisions may be made solely on that basis, while disregarding the safety issues and beach preservation issues that could arise from permanently attaching a boat lift to their pier.

During Hurricane Irma, amid wind, flooding, and storm surge, debris and boulders far heavier than a boat lift were forced onto properties on West Ocean Drive. Our building and our neighbors' buildings are targets for flying debris that can let loose in a storm.

At this time, there are no boat lifts on the ocean side of the island. Approval of this lift will open the way for other piers to have lifts. The beach on West Ocean Drive is still a natural beach where residents enjoy walking along the shore, hunting for shells, watching the sun rise each day, without boat lifts or boats blocking their view. The beach is uncluttered and picturesque. There are piers, but no boat lifts and no boats. West Ocean Drive is home to Key Colony's only beach.

We ask that you please consider opposing this request.

Respectfully,

Stephen Cole and Nancy Talbott
901 West Ocean Drive, Unit #3W
603.496.8217 (Steve)
603.724.4293 (Nancy)

--

May God grant you the grace never to sell yourself short.
Grace to risk something big for the sake of something good.
Grace to remember that the world is now too dangerous
for anything but truth and too small for anything but love.
William Sloane Coffin, Jr.