

AGENDA

KEY COLONY BEACH CITY COMMISSION

PUBLIC HEARING

Thursday, July 16, 2026, 10:00 AM

At the temporary meeting place for the City of Key Colony Beach

The Inn – Back Patio, 700 W. Ocean Drive, Key Colony Beach, Florida & 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 the Oath of Witness**
- 5. Disclosure of Ex-Parte Communication – Pg. 1**
- 6. Discussion/Approval for the Dissolution of Title for the property located at 480/490 9th Street, per the recommendation of the Planning & Zoning Board**
 - a. Dissolution of Title – Pgs. 2-8**
 - b. Recommendation by the Planning & Zoning Board – Pg. 9**
 - c. Planning & Zoning Board Meeting Minutes 05-20-2026 – Pgs. 10-12**
- 7. Discussion/Approval of the Installation of a 20,000-pound Elevator-Style boatlift on a canal with less than 60 feet of navigable waterway at the Property located at 230 15th Circle, per the recommendation of the Planning & Zoning Board**
 - a. Engineering Plans – Pgs. 13-15**
 - b. Original Letter of Neighbor's Approvals – Pgs. 16-18**
 - c. Building Official's Recommendation – Pgs. 19-22**
 - d. Planning & Zoning Board Recommendation – Pg. 23**
 - e. Planning & Zoning Board Meeting Minutes 06-17-2026 – Pgs. 24-30**
 - f. Building Official Updates: DEP and Neighbor Approvals – Pgs. 31-57**
- 8. Variance Request: Discussion/Approval of a Variance Request from Yankiel Valdes, the property owner at 311 4th Street, for a variance from the City of Key Colony Beach Land Development Regulations, Article IV, Sec. 101-26 (13), which limits yard adornments to a maximum height of 48 inches. The existing adornment on the property exceeds this limit by approximately 36 inches.**
 - a. Proof of Legal Publications & Affidavits of Mailing/Posting – Pgs. 58-62**
 - b. Variance Application – Pgs. 63-68**
 - c. Applicant Questions & Responses – Pg. 64**
 - d. Letter of Neighbor's Support – Pgs. 69-70**
 - e. Planning & Zoning Board Recommendation – Pgs. 71-73**
 - f. Planning & Zoning Board Meeting Minutes 06-17-2026 – Pgs. 24-30**
 - g. Standards for granting Variances – Pg. 74**
- 9. Other Business**
- 10. Adjourn**

“Members of the public may speak for three minutes and may speak only once unless waived by a majority vote of the commission.”

Letters submitted to the City Clerk to be read at the Commission Meeting will be made part of the record but not read into the record. Persons who need accommodations to attend or participate in this meeting should contact the City Clerk at 305-289-1212 at least 48 hours prior to this meeting to request such assistance. If a person decides to appeal any decision made with respect to any matter considered at any meeting, that person will need a record of the proceedings and, for that 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.

This meeting will be held at the temporary meeting place for the City Commission of the City of Key Colony Beach at The Inn, Back Patio, 700 W. Ocean Drive, Key Colony Beach, Florida 33051.

Join from PC, Mac, iPad, or Android:

<https://us02web.zoom.us/j/84187148751?pwd=Phbi5QMsS8bnWADf85tlU4QJKUvV5N.1>

Passcode:498726

Phone one-tap:

+13052241968,,84187148751#,,, *498726# US

+19292056099,,84187148751#,,, *498726# US (New York)

Join via audio:

+1 305 224 1968 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

Webinar ID: 841 8714 8751

Passcode: 498726

International numbers available: <https://us02web.zoom.us/j/84187148751?pwd=Phbi5QMsS8bnWADf85tlU4QJKUvV5N.1>

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).

This Instrument Was Prepared By:

Patrick M. Stevens
Wolfe Stevens PLLC
5800 Overseas Highway Unit 3
Marathon, FL 33050
305-743-9858

Lot Split and Easement Agreement

480-490 9th Street, Key Colony Beach , Florida
33051

RE: 00075250-000000

Lot Split

KNOW ALL MEN BY THESE PRESENTS: The undersigned Pedro L. Amador and Pedro Amador request a lot split for the real property located at 480 9th Street, Key Colony Beach Florida 33051.

The parcel is currently a duplex which is on parcel as seen in Exhibit A legally described as follows:

Lot 47, Block 5, Amended Plat Key colony Beach First Addition, according to the plat thereof as recorded in Plat Book 4, page 11, Public Records of Monroe County, Florida.

The owners desire to divide the property into 2 parcels.

Newly created parcel A as seen in Exhibit B would legally be described as follows:

The South 1/2 of Lot 47, Block 5 in AMENDED PLAT KEY COLONY BEACH FIRST ADDITION, as recorded in Plat Book 4, at Page 11, of the Public Records of Monroe County, Florida, together with an easement over the following described part of the North 1/2 of Lot 47 Block 5 existing above an elevation of 14.90 Feet NGVD 1929 and more particularly described as follows:

Commencing at the Northwest corner of said Lot 47 in Block 5 thence run N 77°51'00" E along the North line of said Lot 47 for 22.50 Feet; thence run S 12°09'00" E for 14.25 Feet to the Point of Beginning of the herein described Easement; thence continue S 12°09'00" E for 23.25 Feet to the centerline of said Lot 47; thence run N 77°51'00" E along the line dividing the North half from the South half of Lot 47 for 55.90 Feet; thence run N 12°09'00" W for 23.20 Feet; thence run S 77° 54'06" W for 55.90 Feet back to the Point of Beginning.

Newly created parcel B as seen in Exhibit C would be legally described as follows:

The North 1/2 of Lot 47, Block 5 in AMENDED PLAT KEY COLONY BEACH FIRST ADDITION, as recorded in Plat Book 4, at Page 11, of the Public Records of Monroe County, Florida, together with an easement over the following part of the South 1/2 of said Lot 47 more particularly described as follows:

Commencing at the Southwest corner of said Lot 47 in Block 5 thence run N 77°51'00" E along the south line of Lot 47 for 26.00 Feet; thence run N 12°09'00" W for 18.40 Feet to the Point of Beginning; thence continue N 12°09'00" W for 19.10 Feet to the dividing line between the North 1/2 and the South 1/2 of said Lot 47; thence run N 77°51'00" E for 52.40 Feet; thence run S 12°09'00" E for 19.30 Feet; thence run S 78°04'07" W for 52.40 Feet back to the Point of Beginning, the entire easement area is below elevation 14.90 Feet NGVD 1929.

Easement Agreement

1. Easement and Maintenance. Parcel A and Parcel B hereby grant an easement for the parties. Easement is the following ways:
 - a. The current structure may remain in its current location with the upstairs dwelling unit owned by the owner of Parcel A and the downstairs dwelling unit owned by the owner of Parcel B.
 - b. The parties will mutually share the expenses of maintaining the exterior walls, roof, floor dividing the two dwelling units and will sign off on any necessary permits to make such repairs.
 - c. Each party agrees the air conditioning handlers and utilities will remain in their current location and each party shall have reasonable access to the parcel owned by the other part to make any repair to the air conditioning, water, sewer , and electrical, and internet lines.
 - d. The parties will mutually share the expenses of maintaining the water, sewer, electric, and the two dwelling units and will sign off on any necessary permits to make such repairs.
 - e. The owners of Parcel A and Parcel B shall only park their vehicles, trailers, or RVs wholly within the parcel they own.
 - f. The owners of Parcel A and Parcel B shall only dock their vessels adjacent to the parcel they own.
2. Cost of Enforcement. In any litigation, including breach, enforcement or interpretation, arising out of this Agreement, the prevailing party in such litigation shall be entitled to recover from the non-prevailing party reasonable attorney's fees, costs and expenses.
3. Notices. All notices or other communications required or permitted to be given hereunder shall be in writing and shall be deemed received: ten days after depositing in the U. S. Mail, by certified mail, return receipt requested to the last address of the party receiving the notice provided to the other party.
4. Governing Law. This Agreement and the rights and obligations of the parties hereto shall be governed by and construed and enforced in accordance with the laws of the State of Florida and shall be performable in Monroe County, Florida.
5. Successors and Assigns. This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto and shall run with the land.
6. Counterparts. This Agreement may be executed in counterparts, each of which, when executed and delivered, shall be an original, but such counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the date first above written.

Witness #1

By: Pedro L. Amador

Witness #2

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of May, 2026 by Pedro L. Amador company who ☐ is personally known or ☐ has produced a driver's license as identification.

Notary Public, State of Florida

Printed Name: _____

My Commission Expires: _____

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the date first above written.

Witness #1

By: Pedro Amador

Witness #2

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of Marh, 2026 by Pedro Amador, who ☐ is personally known or ☐ has produced a driver's license as identification.

Notary Public, State of Florida

Printed Name: _____

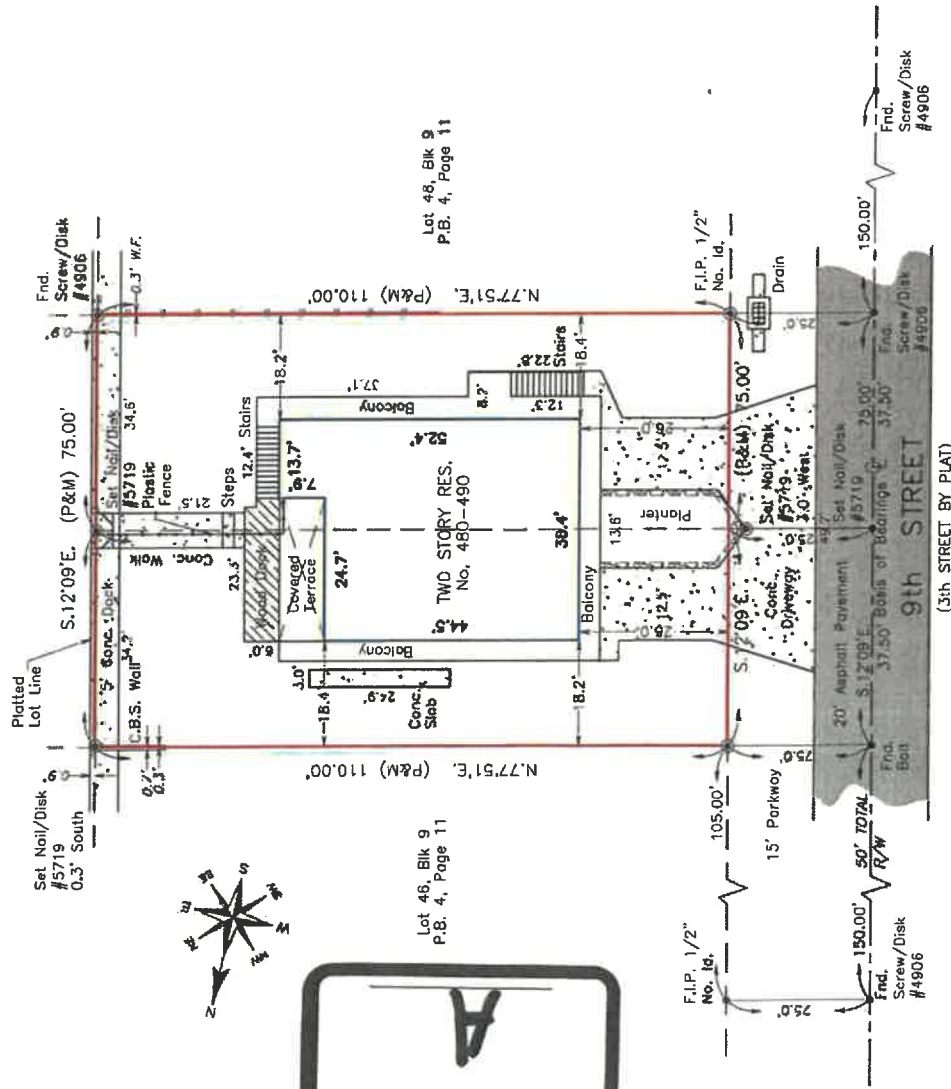
My Commission Expires: _____

SKETCH OF SURVEY

SCALE: 1" = 20'

CANAL

LOCATION MAP
SCALE: N.T.S.
SEC. 5, T. 66 S, R. 3 E.



ABBREVIATIONS & LEGEND

A.S. - ALUMINUM SHEET	D.I. - ELEVATION	P.L. - PLASTER	REC. - RECORDED	1. - EXISTING ELEVATION
A.M. - ALUMINUM MOUNTING	C.C. - CONCRETE	M.V. - MASONRY VENTILATION	RES. - RESIDENCE	2. - EXISTING ELEVATION
B.M. - BENCH MARK	C.H. - CHORDANCE	N.W. - NORTH WEST	S.I. - SET	3. - EXISTING ELEVATION
C.B. - CATCH BASIN	C.I. - CHORDANCE	N.E. - NORTH EAST	S.P. - SET POINT	4. - EXISTING ELEVATION
C.C. - CONCRETE	C.L. - CHORDANCE	N. - NORTH	S.P. - SET POINT	5. - EXISTING ELEVATION
C.S. - CONCRETE	C.L. - CHORDANCE	N. - NORTH	S.P. - SET POINT	6. - EXISTING ELEVATION
C.S. - CONCRETE	C.L. - CHORDANCE	N. - NORTH	S.P. - SET POINT	7. - EXISTING ELEVATION
C.S. - CONCRETE	C.L. - CHORDANCE	N. - NORTH	S.P. - SET POINT	8. - EXISTING ELEVATION
C.S. - CONCRETE	C.L. - CHORDANCE	N. - NORTH	S.P. - SET POINT	9. - EXISTING ELEVATION
C.S. - CONCRETE	C.L. - CHORDANCE	N. - NORTH	S.P. - SET POINT	10. - EXISTING ELEVATION
C.S. - CONCRETE	C.L. - CHORDANCE	N. - NORTH	S.P. - SET POINT	11. - EXISTING ELEVATION
C.S. - CONCRETE	C.L. - CHORDANCE	N. - NORTH	S.P. - SET POINT	12. - EXISTING ELEVATION
C.S. - CONCRETE	C.L. - CHORDANCE	N. - NORTH	S.P. - SET POINT	13. - EXISTING ELEVATION
C.S. - CONCRETE	C.L. - CHORDANCE	N. - NORTH	S.P. - SET POINT	14. - EXISTING ELEVATION
C.S. - CONCRETE	C.L. - CHORDANCE	N. - NORTH	S.P. - SET POINT	15. - EXISTING ELEVATION
C.S. - CONCRETE	C.L. - CHORDANCE	N. - NORTH	S.P. - SET POINT	16. - EXISTING ELEVATION
C.S. - CONCRETE	C.L. - CHORDANCE	N. - NORTH	S.P. - SET POINT	17. - EXISTING ELEVATION
C.S. - CONCRETE	C.L. - CHORDANCE	N. - NORTH	S.P. - SET POINT	18. - EXISTING ELEVATION
C.S. - CONCRETE	C.L. - CHORDANCE	N. - NORTH	S.P. - SET POINT	19. - EXISTING ELEVATION
C.S. - CONCRETE	C.L. - CHORDANCE	N. - NORTH	S.P. - SET POINT	20. - EXISTING ELEVATION

LEGAL DESCRIPTION:

Lot 47, Block 5 in AMENDED PLAT KEY COLONY BEACH FIRST ADDITION, According to the Plat thereof, as recorded in Plat Book 4, at Page 11, of the Public Records of Monroe County, Florida.

NOTES:

- Lands shown herein were not researched by the surveyor for easement, legal overlaps, or any other instruments of record.
- No utilities located.
- There may be additional restrictions/easements that are not shown on the survey that may be found in the public records of this county.
- Surveyor makes no claims to subsurface features other than evidence of same as shown herein.
- This drawing is the property of LINCOLN ITURREY, P.A. and shall not be used in whole or part without the written permission of LINCOLN ITURREY, P.A.
- Liability limited to survey fee charged.
- Legal description provided by client.
- Elevations when shown Refer to N.G.V.D. 1929.
- Adjacent rights not determined by this survey.
- All Measurements and Distances are in U.S. Standard Feet.
- Examination of the abstract of title will have to be made to determine recorded instruments, if any, affecting the property.
- Location and identification of utilities on and/or adjacent to the property were not secured, as such information was not requested.
- Ownership is subject to opinion of title.
- This survey is performed for: SOUTHSTAR PROPERTY & INVESTMENT, LLC, for the singular purpose of obtaining MORTGAGE and TITLE INSURANCE, and does not extend to any unnamed party.

WE HEREBY CERTIFY:

That the attached Boundary survey of the above described property is true and correct to the best of our knowledge and meets standards of practice set forth by the FLORIDA BOARD OF LAND SURVEYORS, Pursuant to Chapter 5 J-17 Florida Administrative Code.



Digitally signed by
56874e-609f-4f1a
-af94-4c358897279e
Date: 2026.04.13
12:50:44 -04'00'

LINCOLN ITURREY, P.S.M. No. 5719

This survey not valid without the original signature and seal of the appropriate registered Land Surveyor and Mapper.

PREPARED BY: LINCOLN ITURREY, P.A.

Professional Land Surveyors and Mappers Lb. 8190

Mailing Address: P.O. BOX 755, LONG KEY, FLORIDA, 33001.

Office Address: 65821 OVERSEAS HIGHWAY, No. 255, LONG KEY, FLORIDA, 33001.

PHONE: (305) 664-2727 / (305) 975-3141 (CEL.) Email = liturrey@gmail.com

DATE: 07-24-2025

SCALE: 1" = 20'

PG: 42

PREPARED FOR: SOUTHSTAR PROPERTY & INVESTMENT, LLC.

ADDRESS: 480-490 9th STREET, KEY COLONY BEACH, FLORIDA, 33051.

COMMUNITY NO.	PANEL NO.	SUFFIX	DATE OF FIRM ZONE	BASE ELEVATION
128121	1382	K	02-18-2005	AE
CLOSURE AT LEAST 1:500				DRAWN BY: J.M.
				DRAWING NO. 26-10201

SCALE: 1" = 20'

CANAL

LOCATION MAP

SCALE: N.T.S.
SEC. 5, T. 66 S., R. 33 E.



LEGAL DESCRIPTION:

The North 1/2 of Lot 47, Block 5 in AMENDED PLAT KEY COLOWY BEACH FIRST ADDITION, as recorded in Plat Book 4, at Page 11, of the Public Records of Monroe County, Florida, together with and easement over the following part of said Lot 47 of said Lot 47 more particularly described as follows: Commencing at the Southwest corner of said Lot 47 in Block 5 thence run N 77°51'00" E along the south line of Lot 47 for 25.00 Feet; thence run N 12°09'00" W for 18.40 Feet to the Point of Beginning; thence continue N 12°09'00" W for 19.10 Feet to the dividing line between the North 1/2 and the South 1/2 of said Lot 47; thence run N 77°51'00" E for 52.40 Feet; thence run S 17°04'00" W for 19.30 Feet; thence run S 78°04'00" W for 52.40 Feet back to the Point of Beginning; the entire easement area is below Elevation 14.90 Feet NGVD 1929;

NOTES:

- Lands shown hereon were not researched by the surveyor for easements, legal overlaps, or any other instruments of record, nor utilities located.
- Prince ownership not determined by this survey.
- There may be additional restrictions/easements that are not shown on this survey that may be found in the public records of this county.
- Surveyor makes no claims to subordinate features other than evidence of same as shown hereon.
- This drawing is the property of UNCOLN TITURNEY, P.A., and shall not be used in whole or part without the written permission of UNCOLN TITURNEY, P.A.
- Liability limited to survey fee charged.
 - Legal description provided by client.
 - Elevation when shown Refer to N.G.V.D. 1929.
 - Riparian rights not determined by this survey.
 - All Measurements and Distances are in U.S. Standard Feet.
 - Examination of the abstract of title will have to be made to determine recorded instruments, if any, affecting the property.
 - Location and identification of utilities on and/or adjacent to the property were not secured, as such information was not requested.
 - Ownership is subject to opinion of title.
 - This survey is performed for SOUTHBAY PROPERTY & INVESTMENT, LLC., for the singular purpose of obtaining MORTGAGE and TITLE INSURANCE, and does not extend to any unnamed party.

WE HEREBY CERTIFY:

14. That the attached Boundary survey of the above described property is true and correct to the best of our knowledge and meets standards of practice set forth by the FLORIDA BOARD OF LAND SURVEYORS, pursuant to Chapter 5-J-17 Florida Administrative Code.

Digitally signed by
56874e7e-609f-4f1a-
af94-4c358897279e
Date: 2026.04.13
12:42:26 -0400'

LINCOLN ITURREY, P.S.M. No. 5719
of the appropriate registered Land Surveyor and Mapper

This survey not valid without the original signature and seal of the appropriate registered Land Surveyor and Mapper.

PREPARED BY: **LINCOLN ITURREY, P.A.**

Professional Land Surveyors and Mappers LB. 8190

Mailing Address: P.O. BOX 755, LONG KEY, FLORIDA, 33001.

Office Address: 65821 OVERSEAS HIGHWAY, No. 255, LONG KEY, FLORIDA, 33001,
PHONE: (305) 664-2727 / (305) 975-3141 (CEL.) Email = liturrey@gmail.com

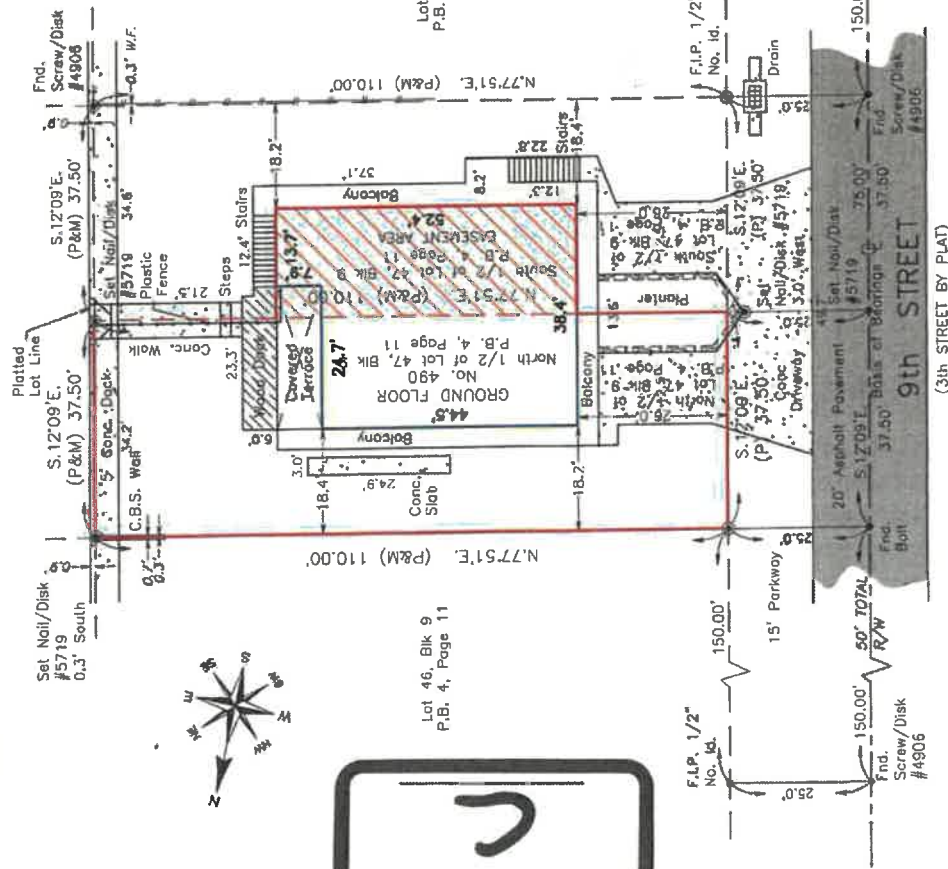
DATE: 07-24-2025	SCALE: 1" = 20'	FB: 144	PG: 02
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PREPARED FOR: SOUTHSTAR PROPERTY & INVESTMENT, LLC.
ADDRESS: 490 9th STREET, KEY COLONY BEACH, FLORIDA

LOCALITY	DRAINAGE	SUPPLY	DATE OF FIRM	ZONE	BASE ELEVATION
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123 23	1902	K	02-10-2003	AL
CLOSURE AT LEAST 1:7500		DRAWN BY: J.M.		
		DRAWING No. 26-1020-		

GEOSORE AT LEAST 1.7500	DRAWING BY: J.M.	DRAWING NO. 28-1029
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GROUND FLOOR ENCLOSURE

ABBREVIATIONS & LEGEND

- [illegible]

- [illegible]

City of Key Colony Beach

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



May 20th, 2026

To: The City of Key Colony Beach Board of Commissioners

From: The Key Colony Beach Planning & Zoning Board

Re: Discussion/Recommendation for Approval of a Dissolution of Title for 480/490 9th Street

The Planning & Zoning Board reviewed the applicant's request for a dissolution of Title for the property located at 480/490 9th Street. After discussion, the Board voted on the request as follows:

MOTION: Motion made by Lynne Benton to approve the separation of title. Vice-Chair Walsh seconded the motion.

FURTHER 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 request for the dissolution of title for the property located at 480/490 9th Street.


George Lancaster, Planning & Zoning Board Chair


Silvia Roussin, City Clerk

MINUTES
PLANNING & ZONING BOARD
REGULAR MEETING & PUBLIC HEARING

Wednesday, May 20th, 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 Beach Planning & Zoning Board meeting was called to order by Chair George Lancaster at 3:30 PM followed by the Pledge of Allegiance and Rollcall. **Present:** Chair George Lancaster, Vice-Chair Lin Walsh, Skip Helme, Leonard Geronemus, Lynne Benton. **Also present:** Vice-Mayor Doug Colonell, Commissioner Tom DiFransico, Building Official Tony Loreno, City Administrator John Bartus, Mayor Freddie Foster, City Attorney Jim Hicks, Administrative Assistant Par Darnall, Building Assistant Samantha Rodamer, City Clerk Silvia Roussin.

Public Attendance: 2

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

Chair Lancaster informed of the following agenda changes:

- A new Item 3: Meeting Protocol Reminders by the City Clerk
- A new Item 4: Memorandum by the Building Official on Research Review & Questions on Liability
- Under other business: Planning & Zoning Summer Meeting Schedule

There were no objections to the additions, and Chair Lancaster asked for a motion to approve the agenda with changes.

MOTION: Motion made by Leonard Geronemus to approve. Skip Helme seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

3. **Meeting Protocol Reminders **Agenda Addition****

City Clerk Roussin reviewed the previous day's correspondence shared with the Board, including procedures for sharing documents, time allocations for adequate review by the Board and applicants, meeting decorum, motions, and the ability to table matters if needed. City Clerk Roussin further detailed the process of making motions, the need for seconds to initiate discussion, the specific discussion item at hand, and possible discussion on it.

4. **Memorandum by the Building Official on Research Review & Questions on Liability **Agenda Addition****

Building Official Loreno spoke about the previous meeting, noting that several technical questions were presented without adequate time for review. Building Official Loreno asked the Board to present future research ahead of the meeting to allow time for review and response. Building Official Loreno further addressed previous questions regarding liability and risk for the City and clarified that the City incurs no structural or legal liability by granting a setback variance or approving permits under Florida Statutes.

3. **Citizen Comments & Correspondence**

City Clerk Roussin reported receiving correspondence from the Owners at Castillo Del Sol opposing the proposed Boat Lift at 841 W. Ocean Drive, which is also included in the agenda packet on pages 1 to 3.

There was no citizen comment.

4. Approval of Minutes: Planning & Zoning Board Minutes April 15th, 2026

There were no changes to the minutes, and Chair Lancaster asked for a motion to approve them.

MOTION: Motion made by Lynne Benton to approve. Vice-Chair Walsh 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 all planning on testifying.

6. Disclosure of Ex-Parte Communications: None.

7. Discussion/Recommendation for Approval of a Dissolution of Title for 480/490 9th Street

Chair Lancaster introduced the agenda item and asked Building Official Loreno to elaborate. Building Official Loreno explained that the duplex can be split and that the property already has separate sides with separate water and electric meters. Building Official Loreno explained that the duplex is an upstairs/downstairs building and described ownership and how it will be split, including the land. Discussion followed on the upstairs/downstairs split. Building Official Loreno explained that the current ownership is held by a single owner and that the intention is to split the property to establish the legal rights of individual ownership. Chair Lancaster asked for a motion to approve or disapprove the separation of title.

MOTION: Motion made by Lynne Benton to approve the separation of title. Vice-Chair Walsh seconded the motion.

FURTHER DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Roussin informed for the recommendation to be presented to the City Commission on June 18th, 2026.

8. Discussion/Approval of a Request by Lynne Conkling to Rescind the Variances Approved for 620 and 630 10th Street at the April 15, 2026, Meeting, and Schedule the Matter for Reconsideration at a Duly Advertised Public Hearing, currently proposed for July 15, 2026, subject to the notice and advertising requirements of the City Code and Florida Statutes. *(Requires a Motion and Second to Rescind the Previous Action and Rehear the Matter at a Future Meeting Following Required Public Notice.)*

a. Letter to the Board

b. Opposition to Variance of 10' Setback from MHWL for Swimming Pools

c. Exhibits

City Attorney Jim Hicks discussed Florida case law on whether an advisory board may rescind a prior decision. He explained that the Board is part of the overall process and that the matter would still need to be presented to the City Commission. He advised against rescinding the prior action without providing due process. He also addressed due process considerations related to granting or denying variances, permitting, and municipal immunity from permitting decisions. City Attorney Hicks further advised that if the Board passed a motion to reconsider, the City Commission could still proceed with the item already on its agenda for the following day. City Attorney Hicks reiterated his advice not to entertain a motion to rescind or vote on rescission without allowing for due process.

Chair Lancaster deferred to Lynne Benton to speak.

Lynne Benton asked about due process and the proper procedure to move forward. City Attorney Hicks advised that a motion to reconsider, rather than rescission, would be appropriate, as rescission would mean taking action without due process.

Chair Lancaster read the requested matter for agenda item 8 into the record.

Lynne Benton raised a point of order and asked about the ability to change the motion to rescind to a motion to reconsider, which City Attorney Hicks confirmed.

MOTION: Motion made by Lynne Benton to reconsider the (prior) approval at the next Planning & Zoning meeting. Chair Lancaster asked for a second. Leonard Geronemus seconded the motion.

DISCUSSION: Lynne Benton spoke about taking her board position seriously and emphasized the importance of confidence in the City's codes, due diligence, transparency, procedure, and preserving the integrity of the process. Vice-Chair Lin Walsh questioned the purpose of Leonard Geronemus's second, and Mr. Geronemus confirmed it was for discussion. Vice-Chair Walsh stated she stood by the Board's prior decision and appreciated the additional research and input. Skip Helme and Leonard Geronemus indicated that their positions had not changed either.

Chair Lancaster allowed the owner of 620 10th Street to speak regarding a reconsideration of the matter.

Ken Jones, 620 10th Street, a resident for 21 years, addressed the Board and requested to be heard on whether to rescind or reconsider the matter. He discussed pool variances in other Florida municipalities, the Board's prior approval supported by a checklist, and the materials reviewed by the Building Official. He expressed dissatisfaction with Lynne Benton's efforts to rescind and now reconsider the Board's prior approval. He noted that the public notice requirements did not result in negative responses, but instead included one supportive response, and stated that requiring notice again would be unnecessary and unfair. Ken Jones also discussed the variance application, provided details on the size of his lot and the current seawall construction, stated his view that the variance was minor, and urged the Board to uphold its prior decision and move the matter forward.

The Board had no questions, and Chair Lancaster asked for a rollcall. City Clerk Roussin restated that the Board had a motion on the floor to reconsider the previous decision.

ON THE MOTION: Rollcall vote. Leonard Geronemus – no. Lynne Benton – yes. Skip Helme – no. Lin Walsh – no. George Lancaster – no. The motion failed.

9. Other Business

- a. **Planning & Zoning Summer Meeting Schedule:** The Board discussed its ability to attend meetings during the summer, with City Clerk Roussin advising to reach out to the Board regarding this ability afterward. City Clerk Roussin confirmed the ability to vote via Zoom, provided a physical quorum is present, and that the Chair has discretion over who chairs the meeting if no Chair or Vice-Chair is present.

10. Next meeting: June 17th, 2026, 3:30 PM

11. Adjourn: The meeting adjourned at 4:05 PM.

Respectfully submitted,

Silvia Roussin

City Clerk

INSTALL 20K ELEVATOR BOAT LIFT

230 15TH Cir, KEY COLONY BEACH



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 OR1248-557 OR1513-97 OR1590-1186
 OR1598-1865 OR1968-897 OR1969-181 OR3052-1575 OR3103-0463
 OR3248-2308
OWNER / S: 15TH CIR LLC
ZONING: SINGLE FAMILY RESID (0100)

DRAWING INDEX:

C - 01 PROJECT INFORMATION
 C - 02 SITE PLAN
 C - 03 DETAILED SECTION

SCOPE OF WORK:

NEW CONSTRUCTION

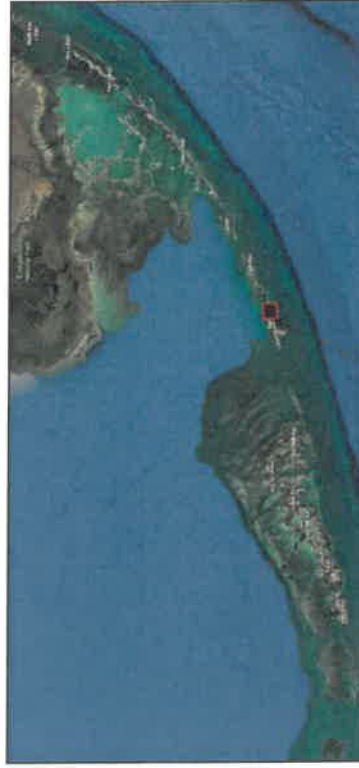
- INSTALL 20K ELEVATOR BOAT LIFT.
- SUBJECT PROPERTY CONTAINS 2,400± SF TOTAL OF ACOE
J/D AREA TO BE AVOIDED.

PROJECT LOCATION



A LOCATION MAP
SCALE: NTS.

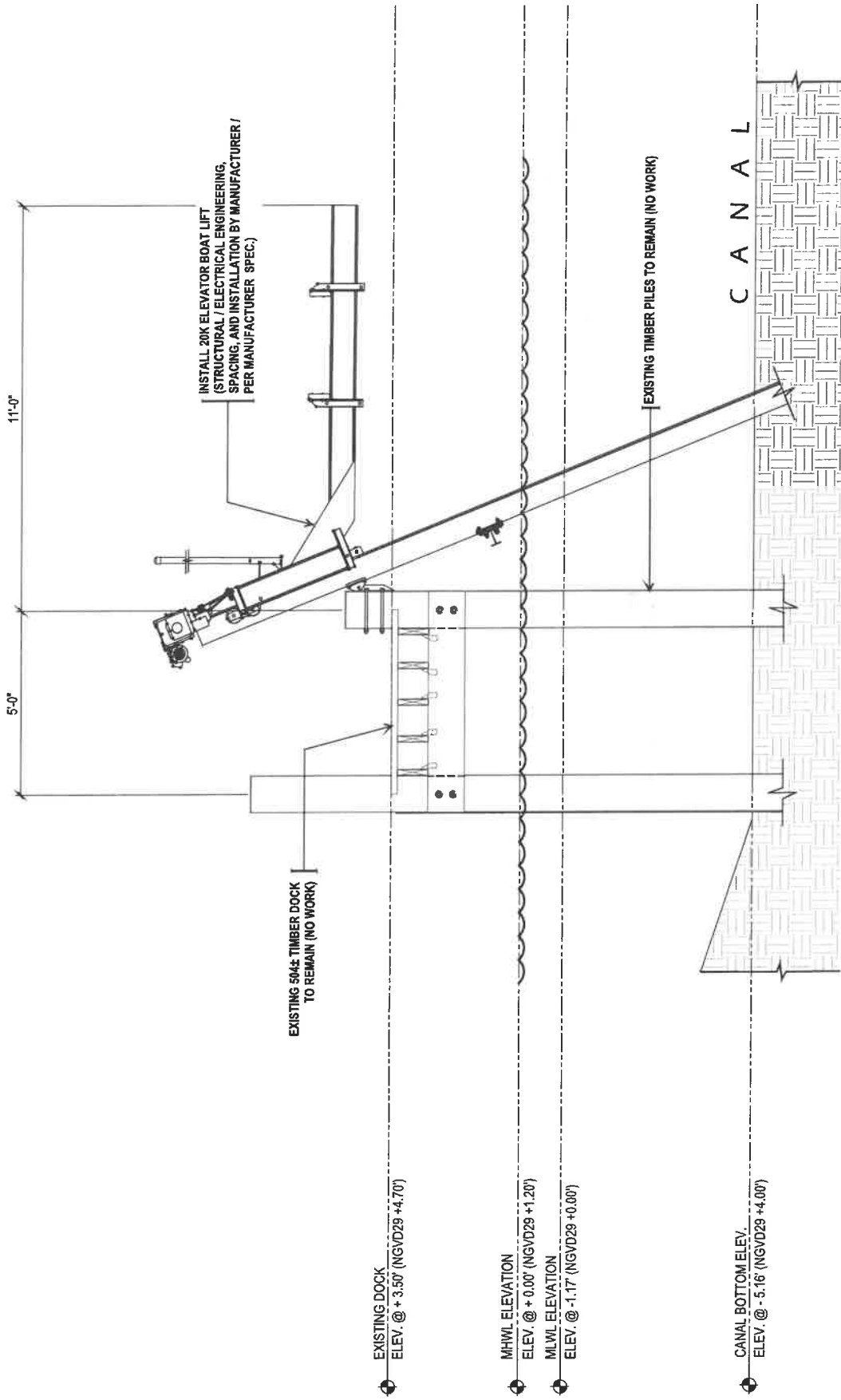
PROJECT LOCATION



B VICINITY MAP
SCALE: NTS.

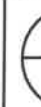
RAPID PERMITS AND ENGINEERING ADDRESS: PO Box 510873, Key Colony Beach, FL 33051 CONTACT: 305-516-1400 EMAIL: info@rapidpermits.com		PROJECT TITLE:		NO.		DESCRIPTION		REV. DATE		SHEET CONTENT:		SHEET NO.:	
		INSTALL 20K ELEVATOR BOAT LIFT 230 15TH Cir, KEY COLONY BEACH LOCATION: 230 15TH Cir, KEY COLONY BEACH Parcel ID - 00079872-009001		00		Project Information		05/09/26		PROJECT INFORMATION		01 C 03	
DATE: 05/08/26													





230 15TH Cir, KEY COLONY BEACH
SECTION DETAIL A
 SCALE: 1/2" = 1'

CONSTRUCTION NOTES
 CONTRACTOR TO VERIFY ACTUAL DIMENSIONS PRIOR TO CONSTRUCTION.

	RAPID PERMITS AND ENGINEERING	ADDRESS: PO Box 510573, Key Colony Beach, FL 33051 CONTACT: 305-916-1400 EMAIL : info@rapidpermitting.com	PROJECT TITLE:	NO.	DESCRIPTION	REV. DATE	SHEET CONTENT:	SHEET NO.:
				00	Detailed Section	05/09/26		
				INSTALL 20K ELEVATOR BOAT LIFT 230 15TH Cir, KEY COLONY BEACH		DETAILED SECTION		
				LOCATION: 230 15TH Cir, KEY COLONY BEACH Parcel ID - 00079872-009001		DATE: 05/08/26		

May 16, 2026

Key Colony Beach City Commission

Re: 230 15th Circle Boat Lift

Dear Commissioners:

We own the home at 220 15th Circle, right next door to 230 15th Circle, which is owned by 15th Cir, LLC.

We support our neighbor putting a 20,000 lb boat lift on the dock at 230 15th Circle.

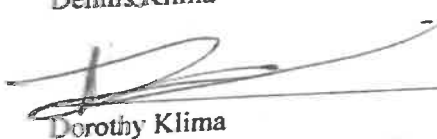
Thank you.

Sincerely,



Dennis Klima

5/16/26



Dorothy Klima

5/18/26

220 15th Circle, Key Colony Beach, FL 33051

Fw: 230 15th Circle 20,000 lb. elevator boat lift

From Joseph Suarez <joey@trustpointrealty.com>

Date Mon 5/18/2026 6:01 PM

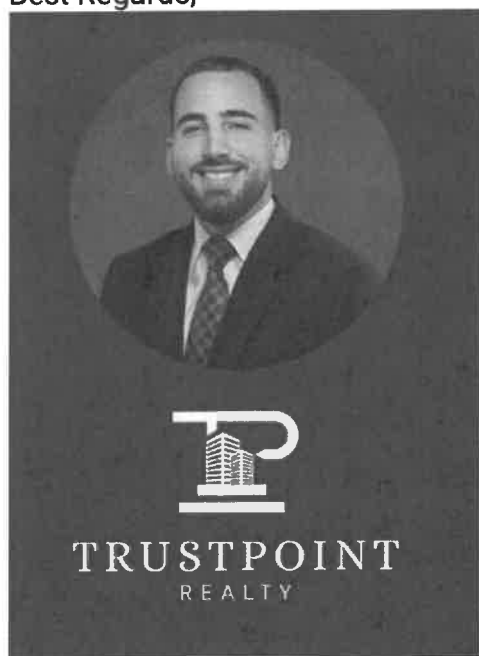
To Samantha Rodamer <buildingassistant@keycolonybeach.net>; Tony Loreno
<buildingofficial@keycolonybeach.net>

 1 attachment (11 MB)
220 15th circle letter .pdf;

Good Morning Samantha,

Please see email below from Pam Nada Caley the neighbor at 240 15th circle and please see attached letter signed from 220 15th circle. Thank fully they both reccomend fhe lift installation. Please let us know if you need anything else thank you Samantha.

Best Regards,



JOSEPH SUAREZ, ESQ.
BROKER

 O: (305) 200-0348
C: (305) 300-2804

 joey@trustpointrealtycom

 15207 NW 60th Ave, Miami Lakes, FL 33014

 www.trustpointrealty.com

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From: caley@bellsouth.net <caley@bellsouth.net>

Sent: Saturday, May 16, 2026 12:34:30 PM

To: buildingofficial@keycolonybeach.net <buildingofficial@keycolonybeach.net>

Cc: 'Silvia Gransee' <cityclerk@keycolonybeach.net>; Joseph Suarez <Joey@trustpointrealty.com>

Subject: 230 15th Circle 20,000 lb. elevator boat lift

Tony,

The owners of 230 15th Circle are planning to put in a 20,000 lb. boat lift on their dock. As the owner of 240 15th Circle adjacent to their property, I have no objections to the proposed boat lift plans dated 5/9/2026.

Cordially,

Pam

Pam Nada-Caley

Coldwell Banker Global Luxury Specialist since 2004

Broker Associate

CB Schmitt Real Estate Co.

caley@bellsouth.net

305-304-9208

Topic: Memo from the Building Official

RE: Potential boat lift install at 230 15th Circle

Building Official Recommendation to P&Z Variance Request – 230 15th Circle / 15K Elevator Boat Lift

The usable waterway width at this location is approximately 45 feet from the dock edge to the vegetation line. Under Sec. 5-43(8), any waterway with a usable width of less than 60 feet requires City Commission approval for the installation of a boat lift. At 45 feet, this canal is well below the minimum width and cannot be approved administratively.

A 15,000-lb elevator lift for a 28-ft boat with a 9-ft beam would place the vessel approximately 8–9 feet into the canal whether moored at the dock or resting on the lift. Elevator-style lifts also include horizontal arms that protrude up to 12 feet into the waterway. With the lift installed, approximately 33 feet of navigable waterway would remain; if the boat were simply moored at the dock, approximately 36 feet would remain.

Although this is a narrow canal, the opposite shoreline is fully lined with mangroves, not docks or boats. Because there is no development on the opposite side, the navigation risk is lower than it would be in a narrow canal with vessels or structures on both sides. In this circumstance, 33 feet of remaining navigable width is narrow but still navigable.

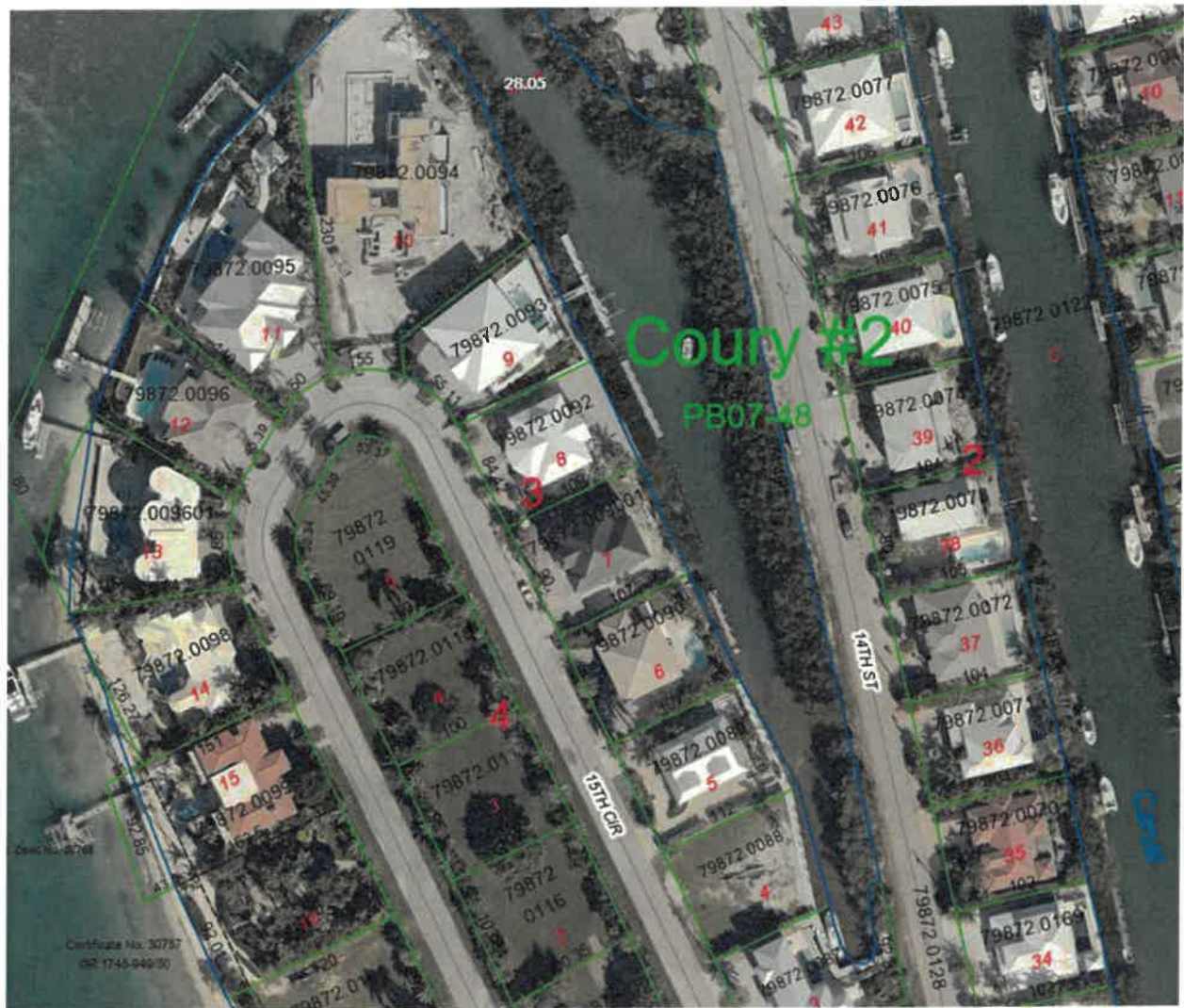
However, the Coury #2 canal becomes progressively narrower toward the end, which may create future navigation and spacing concerns for other homeowners in those tighter sections who may also request lifts. In my opinion, if approved, this lift should be installed at the widest point of the canal.

Sec. 5-43. Elevator lifts.

Elevator lifts may be installed and used in and adjacent to canals or waterways of the city subject to the following conditions:

- (1) Maximum lifting capacity published by the manufacturer is thirty-one thousand (31,000) pounds. Lifts with capacities greater than thirty-one thousand (31,000) pounds require approval of the city commission.
- (2) Maximum protrusion of the forks into the canal or waterbody is twelve (12) feet. Forks exceeding maximum distances require approval of the city commission.
- (3) Elevator lift forks may remain submerged without a boat on the lift only when a white marine buoy is attached to the end of one (1) of the forks. Reflective devices must be affixed to the ends of the lift forks.
- (4) Side elevator lifts, whether attached directly to a concrete seawall cap or attached to a permitted wooden dock's piling(s) which is attached to a concrete seawall must be certified by a licensed engineer to have a lift capacity equal to or greater than one hundred twenty (120) per cent of the combined weight of the device and the boat (including contents and fuel, etc.) to be lifted.
- (5) Freestanding boat lifts mounted on dock pilings must be certified by a licensed engineer that the lifting capacity of the device is equal to or greater than one hundred twenty (120) per cent of this combined weight of the device (including contents, fuel, etc.) to be lifted.
- (6) When a hurricane watch is declared and when the owner is not available to secure his boat for more than one (1) week, all boats on elevator lifts must be secured to the lift with line or straps that are rated to one hundred twenty (120) per cent of the gross weight of the boat and accessories being lifted (including fuel and water).
- (7) In no event shall the horizontal forks be raised more than the height of the seawall cap or, in the case of attachment to the pilings of a wooden dock, more than two (2) feet above the top of the wooden dock.
- (8) Approval by the city commission must be obtained for the installation of an elevator lift in any waterway in the city where the usable and effective waterway width is less than sixty (60) feet, including the waterway being obstructed by vegetation growth. The width measurement is from seawall to seawall or seawall to mean high waterline where no seawall is in evidence.

In the Coury Subdivision #2 canals, the measurement is the width of the channel defined by the distance between the outer edges of the wooden docks. Where the shoreline is irregular, at the open end of the Coury Subdivision #2 canals and the Coral Lane Canal, thirty (30) feet from the centerline of the canal to the edge of the wooden dock or seawall, as shown on the city platted maps, will be used as the limiting measurement.
- (9) Boats and boat lifts must be contained within the property boundaries and riparian lines. No part of the boat or lift may protrude onto neighboring properties or across riparian lines.
- (10) In cases where approval of the city commission is required, approval shall be based on the following criteria:
 - a. Neighbor consent or lack thereof.
 - b. Visual impact on neighboring properties.
 - c. Hazards to navigation resulting from the proposed installation.





City of Key Colony Beach

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



June 17, 2026

To: The City of Key Colony Beach Board of Commissioners

From: The Key Colony Beach Planning & Zoning Board

Re: Discussion & Recommendation for Approval of the Installation of a 20,000-Pound Elevator-Style Boatlift on a canal with less than 60 feet of navigable waterway at the property located at 230 15th Circle.

The Planning & Zoning Board reviewed the applicant's request to install a 20,000-pound elevator-style boatlift. After discussion, the Board voted on the request as follows:

MOTION: Motion made by Leonard Geronemus to approve. Larry Freels seconded the motion.

DISCUSSION: Chair Lancaster clarified that the boatlift request was not a variance. Lynne Conkling suggested establishing criteria and articulating the reasoning for decision-making to help with future discussions. Larry Freels commented that he believed the question of a boatlift may come up again for the neighboring property. Vice-Chair Walsh commented that she would like to see a letter of approval from the neighboring property. Chair Lancaster reminded the Board of its ability to vote the motion up or down, and City Clerk Roussin restated the motion as approval of a boatlift for 230 15th Circle. There was no further discussion.

ON THE MOTION: Lynne Conkling – no. Lin Walsh – no. Leonard Geronemus – no. George Lancaster – no. Larry Freels – no. The motion failed.

Final Recommendation: The Planning & Zoning Board failed to recommend approval for the installation of the elevator-style boatlift at 230 15th Circle,

George Lancaster, Planning & Zoning Board Chair

Silvia Roussin, City Clerk

MINUTES
PLANNING & ZONING BOARD
REGULAR MEETING & PUBLIC HEARING

Wednesday, June 17th, 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 Beach Planning & Zoning Board was called to order by Chair George Lancaster at 3:30 PM, followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Chair George Lancaster, Vice-Chair Lin Walsh (via Zoom), Leonard Geronemus, Lynne Conkling (via Zoom), 1st Alternate Larry Freels. **Absent:** Skip Helme. **Also present:** City Attorney Dirk Smits, City Administrator John Bartus, Building Official Tony Lorenzo, Building Assistant Samantha Rodamer, Administrative Assistant Par Darnall, City Clerk Silvia Roussin.

Chair Lancaster found good cause for Vice-Chair Walsh and Member Lynne Benton to attend via Zoom.

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

Chair Lancaster asked for any agenda additions. Lin Walsh asked for the addition of comments by herself to the Planning & Zoning Board. City Attorney Smits advised that Committee Members be allowed to comment on items on the agenda at the Chair's discretion.

Vice-Chair Walsh commented that the Board is an advisory body and a volunteer position, and that it should make decisions to the best of its ability, in the best interest of the City, and to protect the City's welfare. She emphasized that the Board is not a court of law and that members volunteer for the good of the City. She also noted that complicating the agenda takes away the joy of giving back to the community and that she makes her decisions based on gathered facts and evidence. Lin Walsh commented that legal responsibilities are shifted to the legal counsel the City employs and that City Officials guide board members with their research. Vice-Chair Walsh added that the Board is not there to make laws but to make recommendations to the City Commission. Chair Lancaster thanked Vice-Chair Walsh for her comments.

Chair Lancaster asked for the agenda addition to discuss legal materials received the day before regarding the operation of the Planning and Zoning Board. City Attorney clarified that the addition would fall under new item 13. There were no objections, and Chair Lancaster asked for a motion to approve the agenda as modified.

MOTION: Motion made by Larry Freels to approve. Leonard Geronemus seconded the motion.

DISCUSSION: Lynne Conkling commented on the placement of the additional agenda item to allow for earlier discussion.

ON THE MOTION: Rollcall vote. Unanimous approval.

3. **Citizen Comments & Correspondence:** None.
4. **Approval of Minutes:** Planning & Zoning Board Minutes May 20th, 2026

There were no changes to the minutes, and Chair Lancaster asked for a motion to approve.

MOTION: Motion made by Leonard Geronemus to approve. Larry Freels 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 all planning to testify.
6. **Disclosure of Ex-Parte Communications:** None.
7. **Discussion/Recommendation for Approval of the Installation of a 20,000-Pound Elevator-Style Boatlift on a canal with less than 60 feet of navigable waterway at the property located at 230 15th Circle.**
 - a. Engineering Plans
 - b. Letter of Neighbor's Approvals
 - c. Building Official Recommendation

Chair Lancaster introduced the agenda item and asked Building Official Loreno to elaborate. Building Official Loreno referred to the comments included in his recommendation to the Board and gave details on the canal dimensions. He noted that a prior request for a boatlift at the end of the same canal had been denied due to limited space and asked whether the Board had any questions.

Building Official Loreno explained the dimensions of the available boatlift, extension into the canal, and available space for navigation. The Board discussed a prior denial referenced by the Building Official. Larry Freels commented that the neighbor's approval letter for the boatlift appeared to be from the previous neighboring owner, noting that the property at 220 had recently closed. The Board discussed navigable waterway concerns involving a boat or lift, mangrove trimming on the City-owned lot across the canal, and the property owner's dredging of the canal at the end of the canal, which had been approved by the Army Corps of Engineers. Vice-Chair Walsh recalled prior controversy over opening the canal and noted that it has always been very narrow. Building Official Loreno provided additional comments regarding other dock and boatlift approvals in the canal, followed by additional Board discussion.

Lynne Conkling commented on the City of Marathon's ordinance addressing one-way traffic and general acceptance standards. The Board discussed two-way traffic, Army Corps of Engineers beam-length guidelines, and calculations to evaluate the request. Chair Lancaster commented that the situation was unique and stated that he did not believe it would create a concern. Leonard Geronemus noted that the Building Official's recommendation referenced a 15,000-pound lift, while the application requested a 20,000-pound boat lift. Building Official Loreno explained the difference, stated that it would have no impact, and referenced the applicable beam standard. Vice-Chair Walsh commented on the change of ownership of the adjacent property. Chair Lancaster asked for a motion to approve.

MOTION: Motion made by Leonard Geronemus to approve. Larry Freels seconded the motion.

DISCUSSION: Chair Lancaster clarified that the boatlift request was not a variance. Lynne Conkling suggested establishing criteria and articulating the reasoning for decision-making to help with future discussions. Larry Freels commented that he believed the question of a boatlift may come up again for the neighboring property. Vice-Chair Walsh commented that she would like to see a letter of approval from the neighboring property. Chair Lancaster reminded the Board of its ability to vote the motion up or down, and City Clerk Roussin restated the motion as approval of a boatlift for 230 15th Circle. There was no further discussion.

ON THE MOTION: Lynne Conkling – no. Lin Walsh – no. Leonard Geronemus – no. George Lancaster – no. Larry Freels – no. The motion failed.

Chair Lancaster asked whether further discussion was needed. Lynne Conkling suggested a review of criteria used by the Board in its decision. City Attorney Smits suggested adopting the staff report and the day's comments for presentation to the City Commission. Building Official Loreno suggested that the homeowner obtain approval from the homes on both sides of the property, stated that he could not provide further advice, and commented that the canal is not a high-traffic area and is used only by the few homes located on that canal. City Clerk Roussin reminded the Board that its recommendation would be submitted to the City Commission for a decision and that the property owner would be able to reapply for a permit with appropriate letters of approval, if necessary. There was no further discussion.

- 8. Variance Request: Discussion and Recommendation for Approval of a Variance Request from Yankiel Valdes, the property owner at 311 4th Street, for a variance from the City of Key Colony Beach Land Development Regulations, Article IV, Sec. 101-26 (13), which limits yard adornments to a maximum height of 48 inches. The existing adornment on the property exceeds this limit by approximately 36 inches.**
- a. Proof of Legal Publications & Affidavits of Mailing/Posting
 - b. Variance Application
 - c. Applicant Questions & Responses
 - d. Letter of Neighbor's Support
 - e. Recommendation by the Building Official

Chair Lancaster introduced the variance request and asked City Clerk Roussin to read the Applicant's Questions and Responses. City Clerk Roussin then read the document into the record.

Chair Lancaster informed the Board of a letter of support from neighboring properties and noted that, in his understanding, the applicant did not know the yard adornment was not permitted and immediately submitted a variance request once he became aware of the issue. Building Official Loreno confirmed Chair Lancaster's understanding of the matter and further commented on the size of the structure, code regulations, and other structures not abiding by the city's code regulations.

Lynne Conkling voiced empathy for the applicant's situation and recalled a similar situation with a homeowner having to follow code regulations. Lynne Conkling commented that the Board's responsibilities in a variance hearing are to act as a quasi-judicial board, to look at the law and the facts, and to see if the facts apply to the requirements of the code. Lynne Conkling commented on taking her role seriously and, if a decision is being made to remove the statute, she wants it to be based in the law and not her opinion. Chair Lancaster commented that the Board should be an advisory board, not a quasi-judicial board, and deferred to City Attorney Smits. City Attorney Smits commented that the Board should act in a quasi-judicial function for evaluating the facts and applying the law, and to make a recommendation. City Attorney Smits explained that the answers to the questions are based on staff reports and what is learned in the hearing, and that the Board should be quasi-judicial. Leonard Geronemus asked for clarification on whether all criteria are met in the post-hearing questions. City Clerk Roussin read the pertinent code to the Board, explaining that if the Board finds the five specific criteria are not met, they shall recommend disapproval of the variance unless they specifically find that granting the variance will have a minimal adverse effect on other citizens or on the city, and further stating that if all five specific criteria are not met, it shall require a favorable vote of four-fifths (4/5) of the City Commission. Larry Freels commented that the anchor should have minimal impact on the city's citizens compared to other items like boat trailers, RVs, and cargo trailers, and that this was not a complaint brought before the Board, but by the homeowner himself. Chair Lancaster asked Lynne Conkling to go over the evaluation criteria.

Lynne Conkling presented her research on the criteria and explained that the Florida Courts have found that a variance should not be granted if the alleged hardship was self-created. Lynne Conkling evaluated that the applicant violated the code and created a self-created hardship, which may undermine the integrity of the ordinance, encourage property owners to disregard the application and seek forgiveness later, and reward non-compliance. Lynne Conkling further commented on the unique or particular physical geographical circumstances and her research, noting that the applicant has not shown the necessity of the anchor in the yard. She further commented on special privilege and stated that if the variance is granted, the applicant will have violated the ordinance.

Yankiel Valdez, the applicant, joined the meeting via Zoom.

Yankiel Valdez did not know there was a code, and his intent was only to make his house look better, and he did not violate the city code on purpose.

The applicant's contractor, Ajello Hernandez of Sunshine Construction Group, spoke to the Board and commented that he was unaware of the ordinance regulating certain heights. He stated that the violation was not intentional, that the structure did not create a nuisance or safety issue, and that it improved the appearance of the neighborhood. He asked the Board to consider granting the variance. He acknowledged Lynne Conkling's comments but asked the

Board to grant an exception.

Leonard Geronemus commented on the possibility of lowering the anchor. The contractor stated that the owner would be willing to do so if there was no other way to address the issue. Building Official Loreno confirmed that the ordinance in question applies only to front yards.

f. Post-Hearing Questions

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

George Lancaster	No
Lin Walsh	Yes
Leonard Geronemus	No
Lynne Conkling	No
Larry Freels	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
Larry Freels	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	Yes
George Lancaster	Yes
Larry Freels	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	No
Lynne Conkling	No
George Lancaster	No
Lin Walsh	Yes
Larry Freels	No

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

Lynne Conkling	No
George Lancaster	No
Lin Walsh	Yes
Leonard Geronemus	No
Larry Freels	No

g. Recommendation to the City Commission

Chair Lancaster asked City Clerk Roussin to read the regulations again regarding circumstances in which the Board does not find that all standards for granting a variance have been met. City Clerk Roussin re-read that if the Planning and Zoning Board finds that not all five specific criteria are met, the Board shall recommend disapproval of the variance unless it specifically finds that granting the variance will have a minimal adverse effect on other citizens of the City or on the City. Approval of a variance where all five specific criteria are not met shall require a favorable vote of four-fifths (4/5) of the City Commission.

Chair Lancaster asked for a motion to approve or disapprove the variance. City Clerk Roussin suggested asking for a motion to approve the requested variance with the specific finding that the variance would have a minimal adverse effect on the citizens of the City or on the City. Chair Lancaster agreed and asked for the motion.

MOTION: Motion made by Larry Freels to approve the variance with a finding of minimal adverse effect on the citizens of the City. Vice-Chair Walsh seconded the motion.

DISCUSSION: Lynne Conkling commented on minimal adverse effects and the importance of citizens understanding the City's rules and knowing what to expect. She further commented that if an ordinance is violated without justification, it can become the norm, and decisions can become subjective. Chair Lancaster stated that he had initially struggled with the questions and recognized that the Board serves at the City Commission's pleasure, which appoints the members and makes the final decision. He commented that the Board should consider items liberally when they seem reasonable and expressed his belief that the City Commission wants the Board to be reasonable. He further stated that he believed the applicant should be given consideration.

Larry Freels stated that approval would have minimal impact on the citizens of the City.

Leonard Geronemus expressed concern about the minimal impact on placement and aesthetics, the potential impact of future variance requests for similar items, and the possible dilution of the ordinance. Chair Lancaster asked whether similar requests had come before the Board over the past decade. City Clerk Roussin stated that she was not aware of any within the past five years, and Chair Lancaster stated that he did not recall any similar requests.

Vice-Chair Walsh noted that she had also struggled with the questions when she joined the Board and expressed appreciation for Chair Lancaster's comments. Lin Walsh added that, in her understanding, a request must receive a yes answer to all questions for approval, and that in the past she had overanalyzed the questions and the process. She stated that she had to trust the process and understand that the decision is ultimately a yes-or-no vote. Lynne Conkling reiterated her concern about setting a precedent for future variances when an applicant does not know the code and proceeds with work, and about decisions becoming subjective based on who is on the Planning and Zoning Board rather than on the code. City Clerk Roussin reminded the Board that the decision pertained only to 311 4th Street.

ON THE MOTION: Leonard Geronemus – no. Lynne Conkling – no. Lin Walsh – yes. George Lancaster – yes. Larry Freels – yes. The motion was approved.

City Clerk Roussin stated that the recommendation had been approved and would be presented to the City Commission on July 16th, 2026.

9. Discussion/Recommendation on a Proposed Amendment on Review Committee Procedures for Variances
a. Draft Ordinance 2026-513

Chair Lancaster introduced the agenda item and asked for a presentation on the matter. Mayor Foster explained that the purpose of the proposed ordinance change was to allow for clearer recommendations to the City Commission. Vice-Chair Walsh commented that the Board should make yes-or-no decisions or table a matter if questions arise. City Clerk Roussin commented that she had mistakenly added the matter to the agenda and that Chair Lancaster had the ability to disregard the item. Mayor Foster commented on the need for discussion and asked that the item remain on the agenda. Mayor Foster further commented on the intent to receive clear recommendations from the Board, the ordinance review process, and the ability to table items as needed to ensure a proper recommendation to the Commission. Lynne Conkling commented that Planning and Zoning Boards regularly impose minor conditions and that the prior recommendation on her motion to approve the matter, based on all requested items, was not appropriate. Lynne Conkling asked that the conditional review be preserved and stated that she did not find any city

in the Florida Keys that does not allow conditions. She explained that conditions are intended to address minor items that may have been overlooked. Lynne Conkling further apologized to Mayor Foster for having made the Commission's job harder. Chair Lancaster noted that the Board had an opportunity to comment and had no objections to the suggested amendments.

10. Discussion/Recommendation on a Proposed Amendment to the Certification and Recertification of Existing and Future Multistory Structures (Milestone Inspections)
 - a. Draft Ordinance 2026-514

Chair Lancaster introduced the agenda item. Building Assistant Rodamer advised of one proposed change to Section 3(f) of the ordinance, requesting that the phrase regarding required inspections be removed and replaced with language stating "once the Phase 2 inspection report is received" to align with State statute. City Attorney Smits asked that the wording change be included in the motion. Chair Lancaster asked for a motion to approve the Building Department's recommendation with the wording change in the ordinance.

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

DISCUSSION: Lynne Conkling asked for clarification on the need for Board review. City Attorney Smits explained that the ordinance pertains to the Surfside tragedy and the resulting legislation requiring recertification of multi-floor structures.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Roussin stated that the recommendation would be presented to the City Commission on July 16th, 2026.

11. Review of a Memorandum by Building Official Loreno on Pool Setbacks in Other Municipalities

Chair Lancaster introduced the agenda item and deferred to Building Official Loreno. Building Official Loreno stated that the memorandum was a follow-up from the previous meeting and confirmed his opinion, as Building Official, that there was no need to change the code and that he agreed with a case-by-case approach with engineering sign-off. Lynne Conkling commented that she had not found similar variances in the Florida Keys and stated her understanding that the Keys are a protective environment with protected waters, while the cities presented were not in the Florida Keys. Chair Lancaster commented on the Board's ability to review the matter for a recommendation. Lynne Conkling provided further comments on legal concerns and stated that she had found a similar case in which Monroe County was sued for failing to meet all criteria. She voiced concern about the City becoming involved in litigation. There was no further discussion.

12. **Other Business:** Planning & Zoning Board Summer Schedule

Chair Lancaster discussed the summer schedule and stated that the July meeting had been canceled, with the next meeting scheduled for August 19th. Lynne Conkling offered to appear in person if needed. City Clerk Roussin confirmed that she would reach out to Lynne Conkling if a July meeting became necessary. Mayor Foster stated that all meetings would move to The Inn starting in August. Chair Lancaster confirmed that he preferred morning meetings at 10:00 AM.

13. Review of Materials submitted by Lynne Conkling ****Agenda Addition****

Chair Lancaster commented on the materials received the day before and asked Lynne Conkling to provide brief comments, with further discussion to take place at the next meeting. Lynne Conkling commented on compiling a handbook to clarify processes and understanding of rules and responsibilities. She further commented on difficulties understanding procedures, which led to a neighbor questioning her integrity and a Commissioner commenting that the process was not proper. Lynne Conkling suggested that the Planning and Zoning Board authorize the creation of a handbook for her to work on so new members can better understand procedures and responsibilities, and she provided additional comments on the benefits of the handbook. City Clerk Roussin asked for time for staff review and suggested bringing the matter back in August for discussion. Chair Lancaster agreed that more time was needed for review and agreed to bring the matter back in August. Lynne Conkling stated that she would bring back a draft

before the August meeting.

13. Next meeting: ~~July 15th, 2026, 3:30 PM~~ Tentatively canceled.

14. Adjourn: The meeting adjourned at 5:01 PM.

Respectfully submitted

Silvia Roussin

City Clerk

DRAFT



Memo: Building Official Update – 230 15th Circle

Subject: Updated Information Regarding Proposed 20K Elevator Boat Lift

This memo provides updated information for the Commission regarding the proposed 20,000-lb elevator boat lift at 230 15th Circle. Since the last P&Z meeting, the applicant has obtained two key items related to approval that were previously incomplete.

The applicant now has written approval from the new neighboring property owner, replacing the earlier letter submitted by a previous owner who has since sold the home. This provides neighbor consent on both sides of the applicant's dock.

The applicant has also received full FDEP approval for the proposed lift and location.

July 1, 2026

Key Colony Beach City Commission

Re: 230 15th Circle Boat Lift

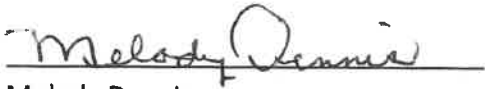
Dear Commissioners:

I own the home at 220 15th Circle, right next door to 230 15th Circle, which is owned by 15th Cir, LLC.

I support my neighbor putting a 20,000 lb boat lift on the dock at 230 15th Circle.

Thank you.

Sincerely,


Melody Dennis

220 15th Circle, Key Colony Beach, FL 33051

Date: July 1, 26



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

Ron DeSantis
Governor

Jay Collins
Lt. Governor

Alexs A. Lambert
Secretary

June 24, 2026

15th Cir LLC
c/o Ventura De Paz
230 15th Circle
Key Colony Beach 33051
Sent via e-mail: V_depaz1@msn.com

Re: File No.: 44-0400455-004-EE
File Name: AL_230 15th Circle boat lift

Dear Ventura De Paz:

On June 15, 2026, we received your request for verification of exemption to perform the following activity: install a boat lift. The project is located in a Canal, Class III Waters, adjacent to 230 15th Circle, Key Colony Beach (Section 5, Township 66 South, Range 33 East), in Monroe County (Latitude N 24°43'20.7861, Longitude W -81°1'43.0502).

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project qualifies for all three. However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

If you have any questions regarding this matter, please contact Antonella Rocco at the letterhead address or at Antonella.Rocco@FloridaDEP.gov

1. Regulatory Review - VERIFIED

Based on the information submitted, the Department has verified that the activity as proposed is exempt under Chapter 62-330.051(5)(h), Florida Administrative Code, from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

2. Proprietary Review – NOT REQUIRED

The activity does not require further authorization under chapter 253 of the Florida Statutes, or chapters 18-20 or 18-21 of the Florida Administrative Code.

3. Federal Review – APPROVED

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit VI-R1, and a **SEPARATE permit or authorization will not be required** from the U.S. Army Corps of Engineers. Please note that the Federal authorization expires on July 27, 2026. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 15 of the SPGP VI-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP VI-R1 with all terms and conditions and the General Conditions may be found online in the Jacksonville District Regulatory Division Sourcebook (<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>).

Authority for review - an agreement with the USACOE entitled “Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit”, Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this

action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and

120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

EXECUTION AND CLERKING

Executed in Palm Beach County, Florida

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Antonella Rocco

Antonella Rocco
Engineering Specialist III
Southeast District

Enclosures:

Attachment A- Specific Exemption Rule
Special Conditions for Federal Authorization for SPGP VI-R1
General Conditions for Federal Authorization for SPGP VI-R1
Project drawings, 3 pages

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

FDEP – Norva Blandin, Antonella Rocco, Talukder, Farzana
Kate Hermit, Rapid Permits and Engineering, kate@rapidpermitting.com

Additional mailings:

SPGP, nmfs.ser.statewideprogrammatic@noaa.gov ; spgp@usace.army.mil

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Sarah Fishkin
Clerk

June 24, 2026
Date

Attachment A

Chapter 62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under Chapters 253 and 258, F.S., and Chapters 18-18, 18-20, and 18-21, F.A.C., as applicable.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(h) The installation of a pile-supported boat lift within an existing mooring area at a docking facility that is legally in existence, provided:

1. Such installation does not conflict with a condition of a permit issued thereunder;
2. The boat lift does not include additional structures, such as platforms, cat walks, and

roofs

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406, 373.4131, 373.4145, 373.415, 403.813(1) FS. History—New 10-1-13, Amended 6-1-18.

Special Conditions for Federal Authorizations for SPGP VI-R1

1. Authorization, design and construction must adhere to the terms of the SPGP VI instrument including the General Conditions for All Projects, Special Conditions for All Projects, Applicable activity-specific special conditions, Procedure and Work Authorized sections.
2. Design and construction must adhere to the PDCs for In-Water Activities (Attachment 28, from PDCs AP.7 through AP11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).
3. All activities must be performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. For all projects involving the installation of piles, sheet piles, concrete slab walls or boatlift I-beams (Reference Categories A, B and C of JAXBO PDCs for In-Water Noise from Pile and Sheet Pile Installation, page 86):
 - a. Construction methods limited to trench and fill, pilot hole (auger or drop punch), jetting, vibratory, and impact hammer (however, impact hammer limited to installing no more than 5 per day).
 - b. Material limited to wood piles with a 14-inch diameter or less, concrete piles with a 24-inch diameter/width or less, metal pipe piles with a 36-inch diameter or less, metal boatlift I-beams, concrete slab walls, vinyl sheet piles, and metal sheet piles.
 - c. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO PDCs for In-Water Noise from Pile and Sheet Pile Installation, page 86.).
 - d. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).
5. The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011” (Attachment 29).
6. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant’s/Permittee’s behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.
 - a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the

vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245- 6333 and the Corps Regulatory Archeologist at 904-232-3270 to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7.

b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Archeologist at 904-232-3270 shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

7. The Permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.

8. Mangroves. The design and construction of a Project must comply with the following (Reference: JAXBO PDCs AP.3 and AP.12.):

a. All projects must be sited and designed to avoid or minimize impacts to mangroves.

b. Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:

(1) Removal to install up to a 4-ft-wide walkway for a dock.

(2) Removal of mangroves above the mean high water line (MHWL) provided that the tree does not have any prop roots that extend into the water below the MHWL.

(3) Mangrove trimming. Mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree.

(a) Projects with associated mangrove trimming waterward of the MHWL are authorized if the trimming: (a) occurs within the area where the authorized structures are placed or will be placed (i.e., removal of branches that overhang a dock or lift),

(b) is necessary to provide temporary construction access, and (c) is conducted in a manner that avoids any unnecessary trimming.

(b) Projects proposing to remove red mangrove prop roots waterward of the MHWL are not authorized, except for removal to install the dock walkways as described above.

9. For Projects authorized under this SPGP VI in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of

the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

10. Notifications to the Corps. For all authorizations under this SPGP VI, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:

a. Commencement Notification. Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" form (Attachment 8).

b. Corps Self-Certification Statement of Compliance form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the "Self-Certification Statement of Compliance" form (Attachment 9) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form (Attachment 10).

d. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.

(1) For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.

(2) For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2015-2575 on all submittals.

11. The District Engineer reserves the right to require that any request for authorization under this SPGP VI be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP VI does not automatically guarantee Federal authorization.

12. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.

13. Failure to comply with all conditions of the SPGP VI constitutes a violation of the Federal authorization.

14. The SPGP VI will be valid through the expiration date unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending expiration date, is not contrary to the public interest. The SPGP VI will not be extended beyond the expiration date but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP VI will be evaluated by the Corps.

15. If the SPGP VI expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP VI will remain in effect provided the activity is completed within 12 months of the date the SPGP VI expired or was revoked.

Special Conditions for Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures.

21. Chickees must be less than 500 ft² and support no more than 2 slips (Reference: JAXBO PDC A2.1.6.).

22. The design and construction of a Project over marsh (emergent vegetation) must comply with the following:

a. The piling-supported structure shall be aligned so as to have the smallest over- marsh footprint as practicable.

b. The over-marsh portion of the piling-supported structure (decking) shall be elevated to at least 4 feet above the marsh floor.

c. The width of the piling-supported is limited to a maximum of 4 feet. Any exceptions to the width must be accompanied by an equal increase in height requirement.

23. Mangroves. For pile-supported structures, the following additional requirements for mangroves found in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) shall apply:

a. The width of the piling-supported structure is limited to a maximum of 4 feet.

b. Mangrove clearing is restricted to the width of the piling-supported structure.

c. The location and alignment of the piling-supported structure should be through the narrowest area of the mangrove fringe.

24. Regarding SAV, the design and construction of a Project must comply with the following:

a. A pile supported structure

(1) that is located on a natural waterbody (i.e. outside an artificial waterway that was excavated for boating access and is bordered by residential properties); and

(2) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), but outside of the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida) will be constructed to the following standards:

(a) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then SAV is presumed present and the pile-supported structure must comply with, or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling- Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of SPGP, two uncovered boatlifts are allowed.

(i) If the pile supported structure is currently serviceable, repair and replacement may occur in the same footprint without completion of a benthic survey.

(ii) Boatlifts and minor structures in Monroe County may be installed within existing boat slips without completion of a SAV survey. Boatlift accessory structures, like catwalks, shall adhere to "Construction Guidelines in Florida for Minor Piling- Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) if a SAV survey has not been completed.

(iii) A marginal dock may be constructed a maximum of 5 feet overwater, as measured from the waterward face (wet face) of the seawall).

(b) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), then the pile-supported structure must comply with, or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

- (i) If the pile supported structure is currently serviceable, repair and replacement may occur in the same footprint without completion of a benthic survey.
 - (ii) Boatlifts may be installed within existing boat slips without completion of a SAV survey.
 - (iii) A marginal dock may be constructed a maximum of 5 feet overwater, as measured from the waterward face (wet face) of the seawall).
- (c) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent (including seagrass, tidal freshwater SAV and emergent vegetation), then no design restrictions are required and boatlifts may include a cover.
- (d) A pile supported structure
- (i) that is located on a natural waterbody (i.e. outside an artificial waterway that was excavated for boating access and is bordered by residential properties); and
 - (ii) that is within the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida) but not within Johnson's seagrass critical habitat will be constructed to the following standards:
 - (iii) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then seagrass is presumed present and the pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) with the sole exception of the number of allowable boat lifts. For the purposes of this permit, two uncovered boatlifts are allowed.
- (e) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), THEN pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.
- (f) If a survey is performed in accordance with the methods described in the procedure section of this document, section I.3, and SAV is absent (including seagrass, tidal freshwater SAV and emergent vegetation), THEN no design restrictions are required and boatlifts may include a cover.

(g) A pile supported structure located within Johnson's seagrass critical habitat will be constructed to the following standards:

(i) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then seagrass is presumed present and the pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) with the sole exception of the number of allowable boat lifts. For the purposes of this permit, two uncovered boatlifts are allowed.

(ii) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent and the project is

1. A dock replacement in the same footprint, no design restrictions are required.

2. A new dock or dock expansion THEN pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(iii) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), then pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

25. North Atlantic Right Whale. The attached North Atlantic Right Whale Information Form (Attachment 30) describes the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales. The FDEP or Designee will attach the North Atlantic Right Whale Information Form to their authorizations for any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of an inlet that leads to areas within the known range of North Atlantic right whale. These zones, with an 11 nm radius, are described by the North Atlantic Right Whale Educational Sign Zones, Attachment 7 (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive). (Reference JAXBO PDC A2.4).

26. Educational Signs. For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, starting on page 112.):

a. For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at:

(<https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>).

The signs required to be posted by area are stated below:

<https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>

(1) All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.

(2) Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.

(3) On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.

27. Monofilament Recycling Bins. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below (Reference: The below replicates PDC A.2.3 within the table PDCs Specific to Activity 2 – Pile Supported Structures and Anchored Buoys, the PDC itself on page 113 of the JAXBO.):

a. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

(1) Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.

(2) Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.

28. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: <http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/> (Reference: JAXBO PDC A2.8.).

29. Construction Location. Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2.9.).

30. Aids to Navigation (ATONs). ATONs must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2.5.).

31. Aids to Navigation (ATONs) in Acropora critical habitat. The distance from ATONs to ESA-listed corals and Acropora critical habitat (Attachment 20) shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom (Reference: JAXBO PDC A2.10.).

32. Within Loggerhead sea turtle critical habitat (Reference: JAXBO PDC A2.15.):

(1) ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the Northwest Atlantic Distinct Population Segment (NWA DPS) of loggerhead sea turtle critical habitat.

(2) No other pile-supported structures are allowed in nearshore reproductive habitat.

General Conditions for All Projects:

1. The time limit for completing the work authorized ends on July 27, 2026.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form (Attachment 10) and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or Construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.

7. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation or alteration.

Department of the Army Permit Transfer for SPGP VI-R1

PERMITEE: _____

PERMIT NUMBER: _____ DATE: _____

ADDRESS/LOCATION OF PROJECT:

(Subdivision)

(Lot)

(Block)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

(Transferee Signature)

(Date)

(Name Printed)

(Street address)

(Mailing address)

(City, State, Zip Code)

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com/manatee). One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:

Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC





**UNITED STATES DEPARTMENT OF
COMMERCE**

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.

- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.
- h. Any collision(s) with and/or injuries to any whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (727-824-5312).
- i. Reports to NMFS's Protected Resources Division (PRD) may be made by email to takereport.nmfs@noaa.gov.
- j. Sea turtle and marine stranding/rescue organizations' contact information is available by region at <http://www.nmfs.noaa.gov/pr/health/networks.htm>.
- k. Smalltooth sawfish encounters shall be reported to <http://www.flmnh.ufl.edu/fish/sharks/sawfish/sawfishencounters.html>.
- l. All work must occur during daylight hours.



INSTALL 20K ELEVATOR BOAT LIFT **230 15TH Cir, KEY COLONY BEACH**



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 OR1248-557 OR1513-97 OR1590-1186
 OR1598-1865 OR1968-897 OR1969-181 OR3052-1575 OR3103-0463
 OR3248-2308
OWNER / S: 15TH CIR LLC
ZONING: SINGLE FAMILY RESID (0100)

DRAWING INDEX:

C - 01 PROJECT INFORMATION
 C - 02 SITE PLAN
 C - 03 DETAILED SECTION

SCOPE OF WORK:

NEW CONSTRUCTION

- INSTALL 20K ELEVATOR BOAT LIFT.
- SUBJECT PROPERTY CONTAINS 2,400± SF TOTAL OF ACOE J/D AREA TO BE AVOIDED.



PROJECT LOCATION

A LOCATION MAP
 C-01 SCALE: NTS.



PROJECT LOCATION

B VICINITY MAP
 C-01 SCALE: NTS.



RAPID PERMITS AND ENGINEERING

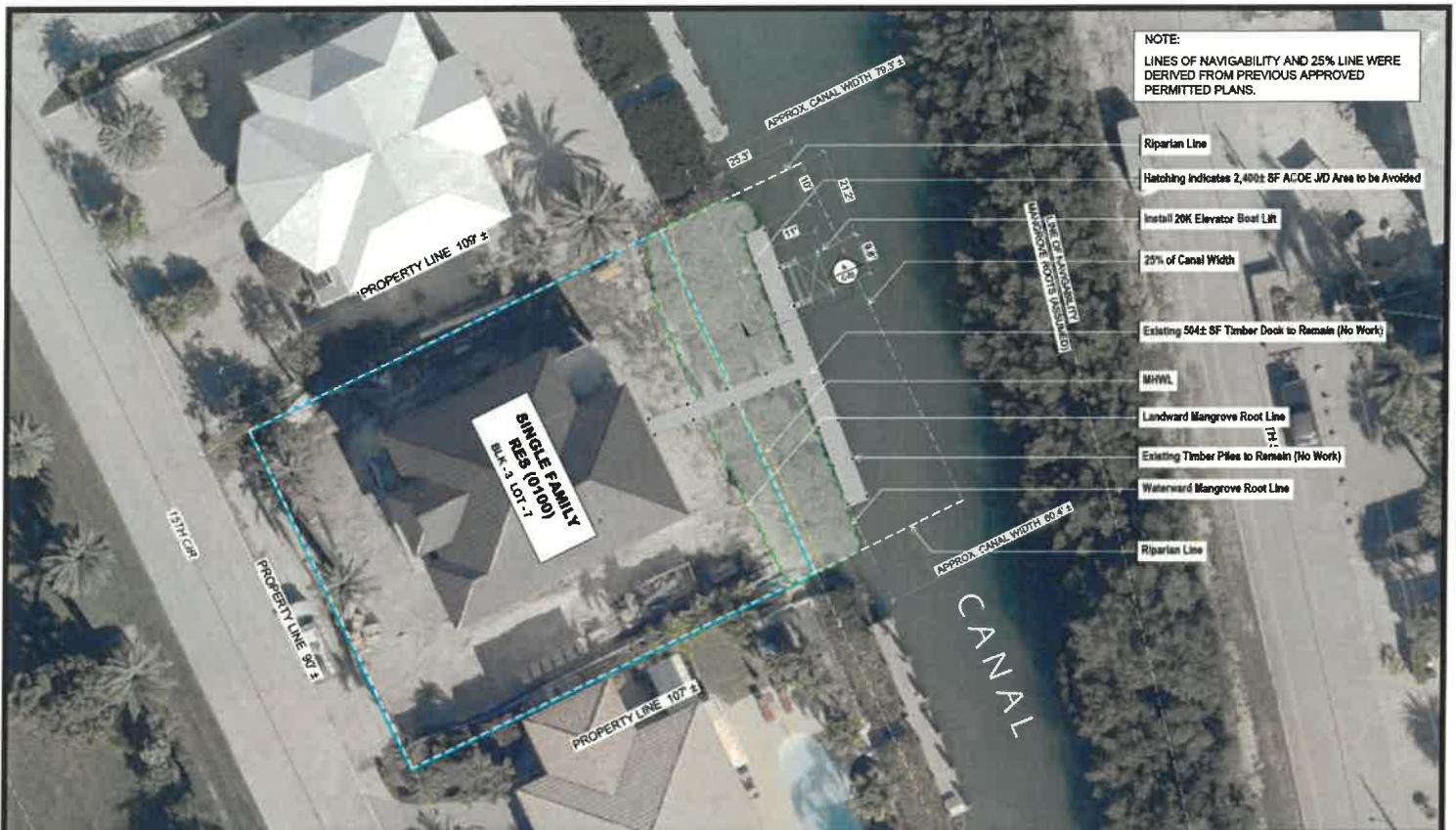
ADDRESS: PO Box 510673, Key Colony Beach,
 FL 33051
 CONTACT: 305-915-1400
 EMAIL: info@rapidpermitting.com

PROJECT TITLE:

INSTALL 20K ELEVATOR BOAT LIFT
 230 15TH Cir, KEY COLONY BEACH

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

NO.	DESCRIPTION	REV. DATE	SHEET CONTENT:	SHEET NO.:
00	Project Information	05/09/26	PROJECT INFORMATION	C 01 03
			DATE: 05/08/26	



NOTE:
LINES OF NAVIGABILITY AND 25% LINE WERE DERIVED FROM PREVIOUS APPROVED PERMITTED PLANS.

- Riparian Line
- Hatching indicates 2,400± SF ACOE J/D Area to be Avoided
- Install 20K Elevator Boat Lift
- 25% of Canal Width
- Existing 504± SF Timber Dock to Remain (No Work)
- MHWL
- Landward Mangrove Root Line
- Existing Timber Piles to Remain (No Work)
- Waterward Mangrove Root Line
- Riparian Line

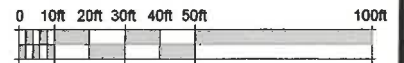
PROPOSED SCOPE OF WORK
NEW CONSTRUCTION
· INSTALL 20K ELEVATOR BOAT LIFT.
· SUBJECT PROPERTY CONTAINS 2,400± SF TOTAL OF ACOE J/D AREA TO BE AVOIDED.



230 15TH Cir, KEY COLONY BEACH

SITE PLAN

SCALE: 6" = 100'



RAPID PERMITS AND ENGINEERING

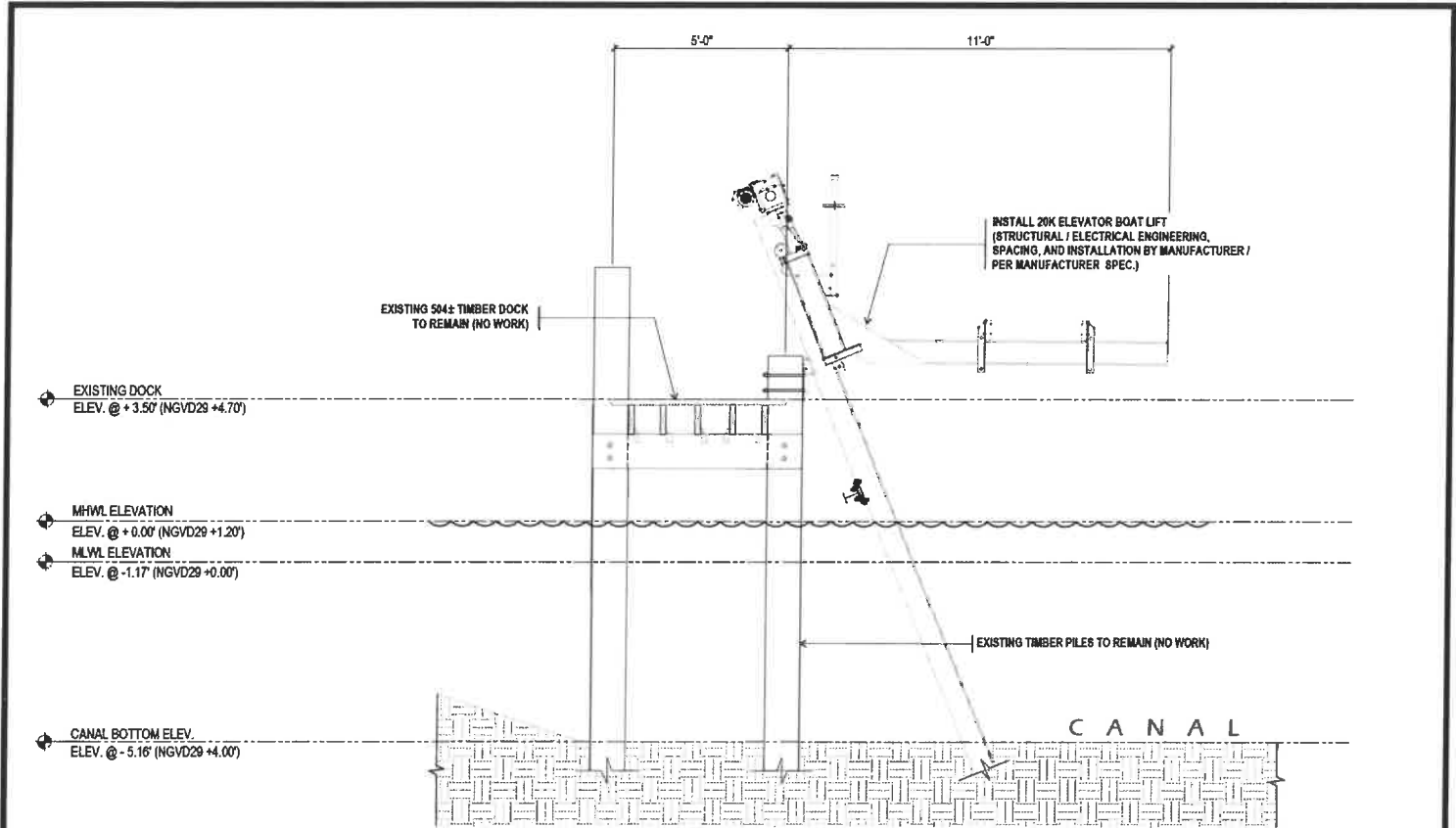
ADDRESS: PO Box 510573, Key Colony Beach, FL 33051
CONTACT: 305-916-1400
EMAIL: info@rapidpermitting.com

PROJECT TITLE:

INSTALL 20K ELEVATOR BOAT LIFT
230 15TH Cir, KEY COLONY BEACH

LOCATION: 230 15TH Cir, KEY COLONY BEACH
Parcel ID - 00078872-000001

NO.	DESCRIPTION	REV. DATE	SHEET CONTENT:	SHEET NO.:
00	Site Plan	05/09/26	SITE PLAN	C 02 03
			DATE: 05/08/26	



A 230 15TH CIR, KEY COLONY BEACH
SECTION DETAIL A
C-03 SCALE: 1/2" = 1'

CONSTRUCTION NOTES
CONTRACTOR TO VERIFY ACTUAL DIMENSIONS PRIOR
TO CONSTRUCTION.



**RAPID PERMITS AND
ENGINEERING**
ADDRESS: PO Box 510573, Key Colony Beach,
FL 33051
CONTACT: 305-916-1400
EMAIL: info@rapidpermitting.com

PROJECT TITLE:	NO.	DESCRIPTION	REV. DATE	SHEET CONTENT:	SHEET NO.:
INSTALL 20K ELEVATOR BOAT LIFT 230 15TH CIR, KEY COLONY BEACH	00	Detailed Section	05/09/26	DETAILED SECTION	C 03 03
LOCATION: 230 15TH CIR, KEY COLONY BEACH Parcel ID - 00879672-000001					
				DATE: 05/08/26	

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 may, 2026 (no less than 30 days prior to the Planning & Zoning Public Hearing on June 17th, 2026, and the City Commission Public Hearing on July 16th, 2026) 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 311 4th Street, Key Colony Beach, Florida, 33051.


Signature

Sworn and subscribed before me this
12th day of May, 2026.


Notary Public, State of Florida
My commission expires: 11/13/29



☒ 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 311 4th Street
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, June 17th, 2026, 3:30 P.M.
City Commission Public Hearing: Thursday, July 16th, 2026, 3:30 P.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 Yankiel Valdes, owner of the property at 311 4th Street, 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 applicants request a variance from the City of Key Colony Beach Land Development Regulations, Article IV, Sec. 101-26 (13), which limits yard adornments to a maximum height of 48 inches. The existing adornment on the property exceeds this limit by approximately 36 inches. All other requirements for yard adornments under Article IV, Sec. 101-26 (13) are being met.

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, June 17th, or Thursday, July 16th, 2026, 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 May 18th, 2026
City Clerk, City of Key Colony Beach



Parcel ID 00073250-000000
Account# 1077330
Property ID 1077330
Millage 50KC
Group
Location 311 4TH St, KEY COLONY BEACH
Address
Legal BK 4 LT 13 KEY COLONY BEACH PB3-120 SHELTER KEY OR116-244 OR441-263 OR596-286 OR1344-
Description 232 OR1496-120 OR2066-1250 OR2066-1251 OR2275-865 OR2653-707 OR2913-1791 OR2921-2343
 OR3302-0069 OR3342-1827
 (Note: Not to be used on legal documents.)

AFFIDAVIT OF POSTING

STATE OF FLORIDA
COUNTY OF MONROE

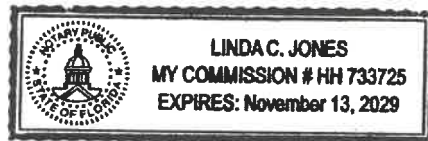
Before me, the undersigned authority personally appeared, Cheryl Baker, who, having been first duly sworn according to law, deposes and says:

1. I am the Administrative Assistant to the City Clerk for the City of Key Colony Beach.
2. I hereby confirm that on the 26 day of May, 2026 (no less than 14 days prior to the Planning & Zoning Public Hearing on June 17th, 2026, and the City Commission Public Hearing on July 16th, 2026) I posted the Notice of Hearing for the property located at 311 4th Street, Key Colony Beach, Florida, 33051, at the United States Postal Office and City Hall.

Cheryl Baker
Signature

Sworn and subscribed before me this
26th day of May, 2026.

Linda C. Jones
Notary Public, State of Florida
My commission expires: _____



☒ Personally known

_____ Produced _____ as identification



Published Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

STATE OF FLORIDA COUNTY OF MONROE

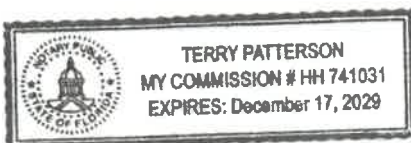
Before the undersigned authority personally appeared JASON KOLER who on oath, says that he is PUBLISHER of the WEEKLY NEWSPAPERS, a weekly newspaper published in Marathon, in Monroe County, Florida; that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of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

June 4, 2026

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 4 day of JUN, 2026.
(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, June 17th, 2026,
3:30 PM.
City Commission Public Hearing:
Thursday, July 16th, 2026, 3:30 PM.
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
Yankiel Valdes, owner of the
property at 311 4th Street, 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.
The applicants request a variance
from the City of Key Colony Beach
Land Development Regulations,
Article IV, Sec. 101-26 (13), which
limits yard adornments to a
maximum height of 48 inches.
The existing adornment on the
property exceeds this limit by
approximately 36 inches. All other
requirements for yard adornments
under Article IV, Sec. 101-26 (13)
are being met.
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, June
17th or Thursday, July 16th,
2026, 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 June
7th, 2026
City Clerk
City of Key Colony Beach
Publish:
June 4, 2026
The Weekly Newspapers

APPLICATION FOR VARIANCE

63

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 requested variance is justified by unique conditions of the property, specifically the grade and layout of the yard, which limit the effectiveness of an adornment within the 48-inch height restriction. The additional height is necessary for the adornment to be visible and function as intended. The structure is located outside of required setbacks, does not obstruct sightlines, and does not negatively impact neighboring properties or the character of the neighborhood. Granting this variance would not undermine the intent of the ordinance, which is to prevent obtrusive or incompatible structures.

2. What are the unnecessary hardships that would result if the variance is not granted?

Denial of the requested variance would result in unnecessary hardship, as the adornment has already been permanently installed and is integrated into the property with a fixed base. Removal or modification would require substantial demolition and restoration work, creating a significant financial burden that is disproportionate to the nature of the dimensional variance. Additionally, there are no reasonable alternatives that would allow compliance without defeating the intended purpose and design of the adornment. Reducing the height would compromise its structural and aesthetic integrity, and relocation is not feasible due to site constraints. Importantly, the additional height does not create any adverse impact on neighboring properties, sightlines, or community character. As such, strict enforcement in this case would impose hardship.

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?

Granting the requested variance will not result in any increase in public expense, as the yard adornment is privately owned, requires no public services, and does not impact public infrastructure. The variance will not create a threat to public health or safety. The adornment is a stationary, decorative structure that is securely installed, does not obstruct visibility for traffic or pedestrians, and does not pose any known hazards. The variance will not create a nuisance. The adornment does not generate noise, light, odor, or other disturbances, and is consistent with the residential character of the neighborhood.

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 has a landscape island that is located in the center of the property that lends itself for the perfect location for a adornment.

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?

Granting the requested variance would not confer any special privilege upon the applicant that is denied to other properties in the immediate neighborhood. The variance is a limited deviation from the height requirement for a single decorative yard adornment and does not alter the permitted use of the property or increase its development potential. The request is based on site-specific conditions and practical considerations, and any similar property experiencing comparable circumstances could seek similar relief through the same variance process. As such, approval would not establish an unfair advantage, but rather constitute a reasonable accommodation consistent with the intent of the regulations and the established development pattern of the neighborhood.

Office Use Only

Comments and Recommendation of the Building Official

FOLLOWING OUR EXISTING CODE THIS FOLDS UNDER
YARD ADORNMENT NOT TO BE HIGHER THAN 48" HIGH
WE HAVE A FEW HOMES THAT DO HAVE FOUNTAINS AND
ARE OVER 48" THIS ACIR SCULPTURE IS 7 FEET HIGH

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:

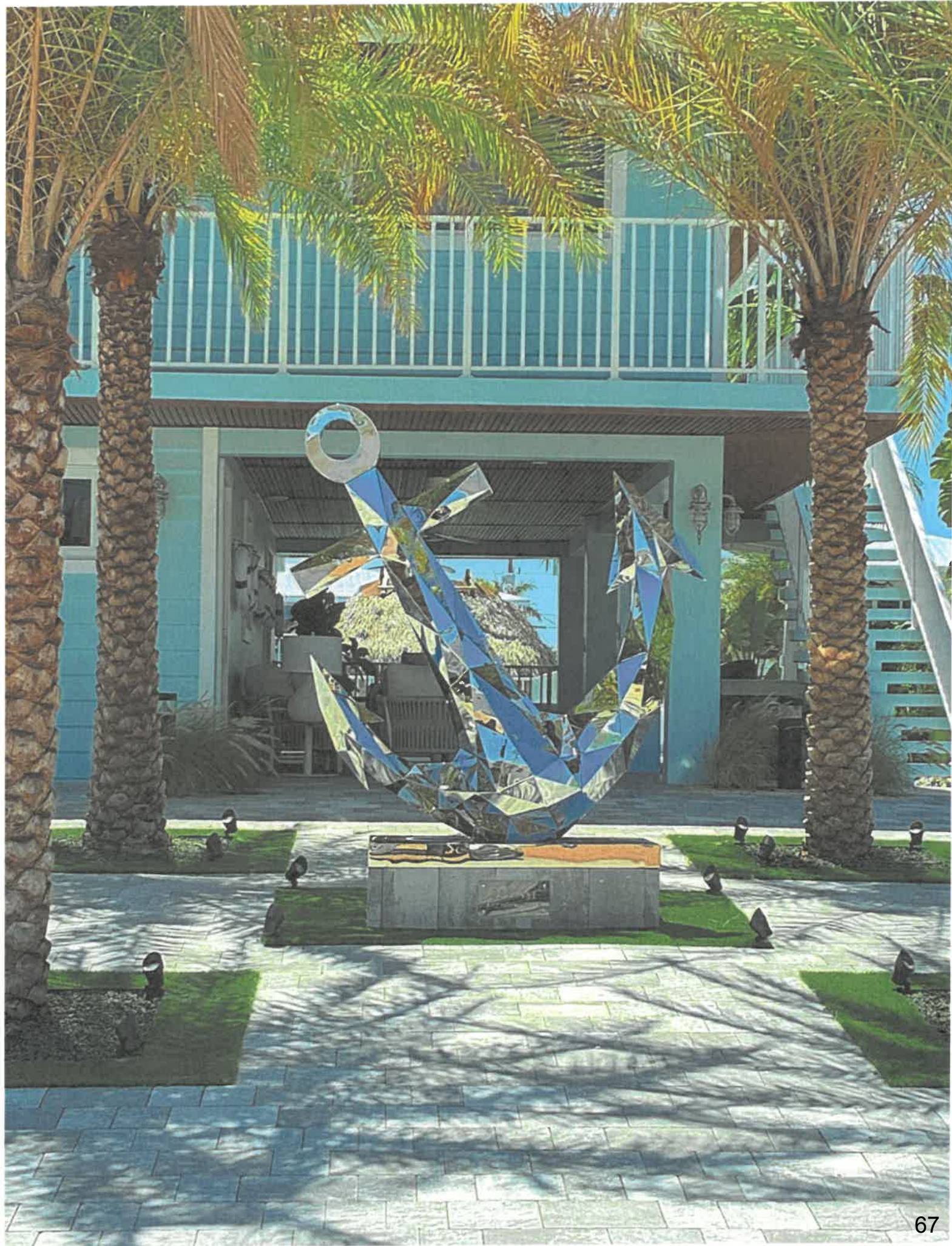
- (1) The applicant shall demonstrate a showing of good and sufficient cause;**
- (2) Failure to grant the variance would result in unnecessary hardship to the applicant;**
- (3) Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a 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.**





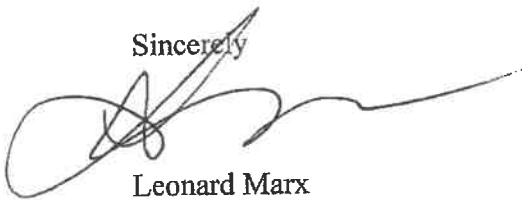
Leonard and Jean Marx
331 4th St.
Key Colony Beach, FL 33051

RE: 311 4th St., Key Colony Beach, FL 33051

To Whom it may concern:

We are the neighbors to the right of 311 4th St. Regarding the Anchor Art Work that is in the front yard, we have absolutely no problem with it what so ever. We do not feel that there is any need to remove it. If you have any questions, do not hesitate to call 386-451-2855. Thank you!

Sincerely

A handwritten signature in black ink, appearing to be 'Leonard Marx', written over the word 'Sincerely'.

Leonard Marx

A handwritten signature in black ink, appearing to be 'Jean Marx', written below the signature of Leonard Marx.

Jean Marx

Date: 4/30/26

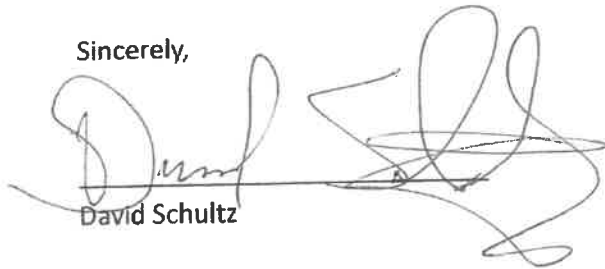
To: City of Key Colony Beach

From: Dave and Norma Schultz
291 4th Street
Key Colony Beach, FL 33051
(612) 282-8454

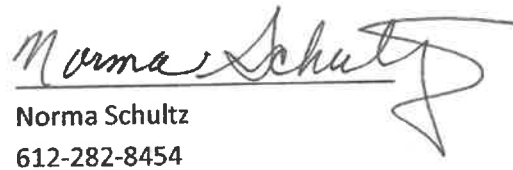
Re: 311 4th Street, Key Colony Beach, FL 33051

We live at the property directly South of 311 4th Street. We are writing to let you know that the Anchor Art Piece placed in the driveway is a beautiful addition to the home and we see no reason for it to be removed. We would be happy to discuss any of your concerns, so please call us if you'd like.

Sincerely,



David Schultz



Norma Schultz
612-282-8454

City of Key Colony Beach

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



June 17, 2026

To: The City of Key Colony Beach Board of Commissioners

From: The Key Colony Beach Planning & Zoning Board

Re: Discussion and Recommendation for Approval of a Variance Request from Yankiel Valdes, the property owner at 311 4th Street, for a variance from the City of Key Colony Beach Land Development Regulations, Article IV, Sec. 101-26 (13), which limits yard adornments to a maximum height of 48 inches. The existing adornment on the property exceeds this limit by approximately 36 inches.

The Planning & Zoning Board reviewed the applicant's after-the-fact Variance request for a yard adornment in the form of an anchor. After discussion, the Board voted on the Post-Hearing Questions as follows:

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

George Lancaster	No
Lin Walsh	Yes
Leonard Geronemus	No
Lynne Conkling	No
Larry Freels	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
Larry Freels	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	Yes
George Lancaster	Yes
Larry Freels	Yes

City of Key Colony Beach

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



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	No
Lynne Conkling	No
George Lancaster	No
Lin Walsh	Yes
Larry Freels	No

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

Lynne Conkling	No
George Lancaster	No
Lin Walsh	Yes
Leonard Geronemus	No
Larry Freels	No

After further discussion, the Planning & Zoning Board voted as follows:

MOTION: Motion made by Larry Freels to approve the variance with a finding of minimal adverse effect on the citizens of the City. Vice-Chair Walsh seconded the motion.

DISCUSSION: Lynne Conkling commented on minimal adverse effects and the importance of citizens understanding the City's rules and knowing what to expect. She further commented that if an ordinance is violated without justification, it can become the norm, and decisions can become subjective. Chair Lancaster stated that he had initially struggled with the questions and recognized that the Board serves at the City Commission's pleasure, which appoints the members and makes the final decision. He commented that the Board should consider items liberally when they seem reasonable and expressed his belief that the City Commission wants the Board to be reasonable. He further stated that he believed the applicant should be given consideration.

Larry Freels stated that approval would have minimal impact on the citizens of the City.

Leonard Geronemus expressed concern about the minimal impact on placement and aesthetics, the potential impact of future variance requests for similar items, and the possible dilution of the ordinance. Chair Lancaster asked whether similar requests had come before the Board over the past decade. City Clerk Roussin stated that she was not aware of any within the past five years, and Chair Lancaster stated that he did not recall any similar requests.

Vice-Chair Walsh noted that she had also struggled with the questions when she joined the Board and expressed appreciation for Chair Lancaster's comments. Lin Walsh added that, in her understanding, a request must receive a yes answer to all questions for approval, and that in the past she had overanalyzed the questions and the process. She stated that she had to trust the process and understand that the decision is ultimately a yes-or-no vote. Lynne Conkling reiterated her concern about setting a precedent for future variances when an applicant does not know the code and proceeds with work, and about decisions becoming subjective based on who is on the Planning and Zoning Board rather than on the code. City Clerk Roussin reminded the Board that the decision pertained only to 311 4th Street.

City of Key Colony Beach

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ON THE MOTION: Leonard Geronemus – no. Lynne Conkling – no. Lin Walsh – yes. George Lancaster – yes. Larry Freels – yes. The motion was approved.

Final Recommendation: The Planning & Zoning Board recommends approval of the requested variance with the specific finding that the variance would have minimal adverse effect on the citizens of the City or on the City.

George Lancaster, Planning & Zoning Board Chair

Silvia Roussin, City Clerk

(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 five (5) specific criteria are met, then the planning and 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 and 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 ($\frac{4}{5}$) of the city commission.