

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 Loreno, 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 Lorenzo on Pool Setbacks in Other Municipalities

Chair Lancaster introduced the agenda item and deferred to Building Official Lorenzo. Building Official Lorenzo 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

ADOPTED: August 19, 2026

Silvia Roussin

City Clerk