AGENDA

KEY COLONY BEACH CITY COMMISSION PUBLIC HEARING

Thursday, October 16th, 2025, 9:30 AM Marble Hall, 600 W. Ocean Drive, Key Colony Beach

& via Zoom Conferencing

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 Pg. 1
- 4. Administration of Oath of Witnesses
- 5. Disclosure of Ex-Parte Communication Pg. 2
- 6. Variance Request: A Variance Request from Gizelle Andrade Sarmento and Ian Michael Morgan, owners of the property at 491 10th Street, Key Colony Beach, Florida 33051, for the construction of a residential pool that would encroach into the setback by 5 feet.
 - a. Proof of Legal Publications & Affidavits of Mailing/Posting Pgs. 3-7
 - b. Variance Application Pgs. 8-15
 - c. Applicant Questions & Responses Pg. 9
 - **d.** Letter(s) of Approval from Neighbors (recommended/not required)
 - e. Recommendation by the Building Official
 - f. Post-Hearing Questions Pg. 16
 - g. Approve, deny, or approve with conditions
- 7. Variance Request: A Variance Request from Capi Group Holdings, LLC., owner of the property at 1250 Coury Drive, Key Colony Beach, Florida 33051, The Applicant requests an After-the-Fact Variance from the City of Key Colony Beach Land Development Regulations, Chapter 101, Section 10 (8), for the construction of an approved residential project that has reached its top level as per the permitted plans. A variance is sought for additional height to provide access to the observation deck, which was previously approved as part of the original project design, and the requested height increase is necessary to ensure safe and functional access.
 - a. Proof of Legal Publications & Affidavits of Mailing/Posting Pgs. 17-21
 - b. Variance Application Pgs. 22-26
 - c. Applicant Questions & Responses Pg. 23
 - d. Letter(s) of Approval from Neighbors (recommended/not required) Pgs. 27-28
 - e. Recommendation by the Building Official Pg. 29
 - **f.** Post-Hearing Questions **Pg. 30**
 - **g.** Approve, deny, or approve with conditions
- 8. Other Business
- 9. Adjourn

This meeting will be held at the City Hall Auditorium 'Marble Hall', 600 W. Ocean Drive, Key Colony Beach, Florida 33051, and via Zoom

Join from PC, Mac, iPad, or Android:

 $\frac{https://us02web.zoom.us/j/84974102445?pwd=UsEGksZTacWRNhmmiWfR1Arhau3bUZ.1}{Passcode:216729}$

Phone one-tap: +13052241968,,84974102445#,,,,*216729# US +13017158592,,84974102445#,,,,*216729# US (Washington DC)

Join via audio:

+1 305 224 1968 US

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+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)

+1 689 278 1000 US

Webinar ID: 849 7410 2445

Passcode: 216729

International numbers available: https://us02web.zoom.us/u/koInm8iYn

Silvia Roussin

From:

Steve Wenger <stevelwenger@gmail.com>

Sent:

Saturday, September 6, 2025 1:48 PM

To:

Silvia Roussin

Subject:

1250 COURY DRIVE

We received the notice of hearing for the above property and the After-the Fact Variance. We own the home next door to this property to the north. We have NO objections to this project and its height.

Sincerely,

Steven and Ann Wenger

100 13th Street, KCB

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).

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.

Signature

Sworn and subscribed before me this day of <u>Hugust</u> , 20 <u>25</u>	- -
Notary Public, State of Florida My commission expires:	Notary Public State of Florida Linda C Jones My Commission HH 184100 Exp.11/13/2025
Personally known	Exp. In lazore
Produced	as identification

To: Property Owners within 300 feet of 491 10th Street
From: The City of Key Colony Beach
Key Colony Beach Planning & Zoning Board <u>and</u> 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: Thursday, October 2nd, 2025, 9:30 A.M. City Commission Public Hearing: Thursday, October 16th, 2025, 9:30 A.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 Gizelle Andrade Sarmento and Ian Michael Morgan, owners of the property located at 491 10th 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.

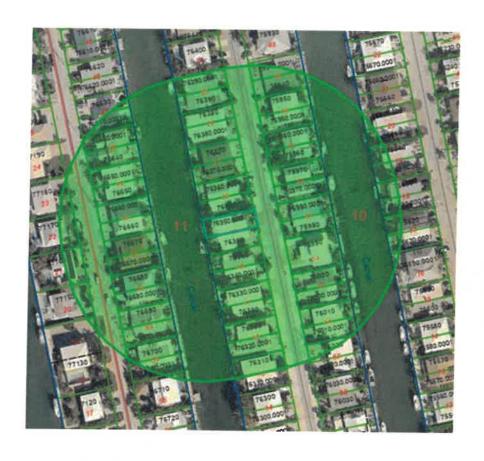
The applicant requests a variance to the City of Key Colony Beach Land Development Regulations, Article IV, Sec. 101-26, for the construction of a residential swimming pool that would encroach in the setback by five (5) on the side.

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 Thursday, October 2nd, 2025, or Thursday, October 16th, 2025, 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 <u>cityclerk@keycolonybeach.net</u>, and your comments will be entered into the record.

Mailed: On or before September 2nd, 2025 City Clerk, City of Key Colony Beach



Parcel ID 00076350-000100

Account# 8588534 Property ID 8588534 Millage 50KC

Group

491 10TH St, KEY COLONY BEACH

Location Address

 Legal
 BK 11 N 1/2 LT 19 AMENDED PLAT OF KEY COLONY BEACH FIRST ADDN PB4-11 OR413-901 OR840

 Description
 1313 OR1352-2334 OR1400-341 OR1473-307 OR1473-308 OR1564-2358 OR2549-1259 OR2651-1610

OR2802-1046 OR2827-541 OR3116-0993 OR3311-2372

(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:

33051, at the United States Postal Office and City Hall.

Signature

Sworn and subscribed before me this day of <u>September</u> , 20 <u>25</u> .	
Notary Public, State of Florida My commission expires: 11 13 25	Notary Public State of Florida Linda C Jones My Commission HH 184100 Exp.11/13/2025
	s identification
F10ddced	



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)

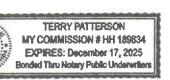
September 18, 2025

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 18 day of SEPT , 2025.

Notary

(SEAL)



ornmission Public ng Thursday, October 1025, 9:30 A.M. TION of Key Colony Beach Hall Auditorium 'Marble half 600 W. Ocean Drive: Key Colony Beach, Florida 33051, To hear a Variance Request from Gizelle Andrade om Gizelle Andrade armento and lan Michael organ, owners of the operty located at 491 Jh Street, Key Colony each, Florida 33051. This secting will be available via som Meetings. Members the public who wish to trend vitinally may email the public who wish to thend virtually may email a City Clerk at cityclerke excolorybeach, net or call 55-289-1212, ext. 2 for further structions on attending via some Meetings, we applicant requests variance to the City of ey Colory Beach Land well competed the public of the city of exceptions. 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 verballim record of the proceedings is made, which record includes the testimon record includes the testimony and evidence upon which the appeal is to be based. If you are unable to attend the Hearings on Thursday, October 2nd, 2025, or Thursday, October 16th, 2025, but wish to comment, please direct correspondence to the City Clerk at P.O. Box 510141, Key Colony Beach, F.L 33051, or via email at cityclerke keycolonybeach.net, and your comments will be entered into the record. he record. Published: On or before eptember 18th, 2025 Tity Clerk: City of Key Colony September 18, 2025 The Weekly Newspapers

CITY OF KEY COLONY BEACH P.O. BOX 510141 KEY COLONY BEACH, FL 33051-0141 305-289-1212 FAX: 305-289-1767

APPLICATION FOR VARIANCE

	Gizelle Andrade Sarmento and	
APPLICAN	T: lan Michael Morgan	713-962-8636
	Property Owner Name	Phone Number
		THE WEY COLOUNDEACH IST ADD
	491 10th St Key Colony Beach, FL 33051	
	Street Address of Variance	Lot Block Subdivision
	9475 NW 52nd Doral Ln Doral FL 33178	
	Mailing Address of Property Owner	
Owners may ha to this applicat this matter.	ion a written, signed statement stating the name of t	them at the hearings. In this case, owners must attach the individual or business that may represent them in
	Amazing Pools of the Keys, Inc. / Lisette I	Agent Phone Number
	Agent Name	Agent Faone Number
	REQUESTED to: Land Development Regulations Code of Ordinances Chapter	Section
distance from s the variance (f	ON OF VARIANCE: Please describe the variance relide, rear or front lot lines, or details of the variance, for example, building would encroach into the seth existing conditions. Quest for a setback to install a residential poor	including the current rule in effect and the reason for pack by feet). Also state if this is for future
	his is for existing conditions.	
Dy 5 lost. II	IIO 10 101 Overally deviation	
		The second state of the second
		And the second s
	h the following to this application:	
-A sketch	or site plan of the property showing the vi	ariance requested.
-Written	responses to the five criteria (questions atta	ached).
-Fee of S		
-1.cc 01 a	700.00	
Signature of	Applicant graceAndrud	
Office Use O		5 20 20
Date Filed	96.92	Date Paid 7.24-25 Check # CC
Variance grant	ted / denied on (date)	
		Signature of City Official

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:

. What is the "good and sufficient cause" that explains w	by this variance should be granted?
We are requesting a variance on the 10 feet si	de setback to a 5 feet setback to build a
small pool in the only area available, but havi	ng 10 feet setback will be impossible.
Given the restricted available space since the a	
the front of the property remains the only practic	
What are the unnecessary hardships that would result if	the variance is not granted?
If the variance is not granted, the property owner	r would not be able to use a pool, which is
not common to other properties in the area. The	Ustasuib is one to the litting of shape and
prevents the reasonable use of the property as	ntended.
If this variance is granted, would there be any increase to create a threat to public health and safety? Would it create a threat to public?	eate a nuisance? Or cause traud of vicinitization of
If the variance is granted, there would not be a	ny increase to public expense, it would not
create a threat to public health or safety. It wou	ild not create a nuisance of cause flaud of
the victimization of the public.	
If the variance is granted, would it confer upon the applic in the immediate neighborhood in terms of the establish If the variance is granted it would not confer as	ny privilege to the applicant, we feel that
every homeowner should be treated equal an	d if a variance is requested is because is
needed.	
ffice Use Only	
omments and Recommendation of the Buildir	MEGURALIVATED SPACE NICH FENCE IN PLACE
	2

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)
- (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.

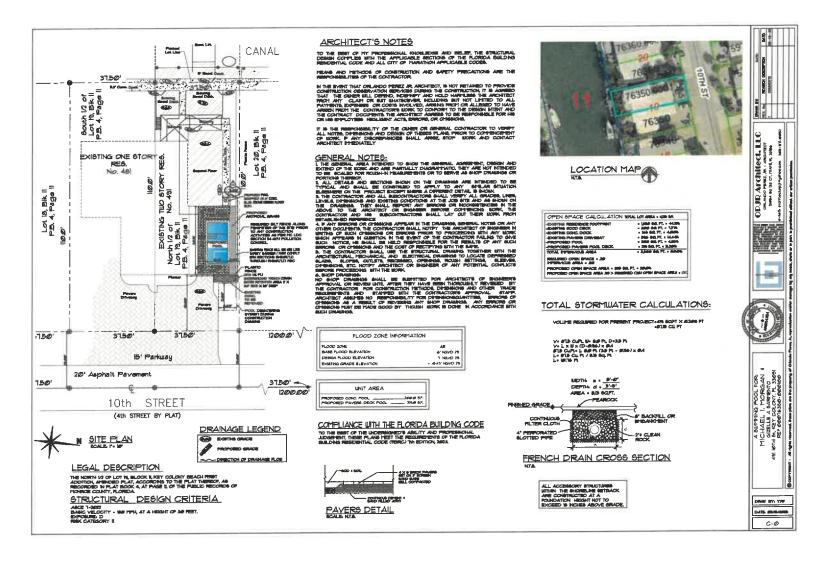
LAND DEVELOPMENT REGULATIONS - Section 101-171. Variances

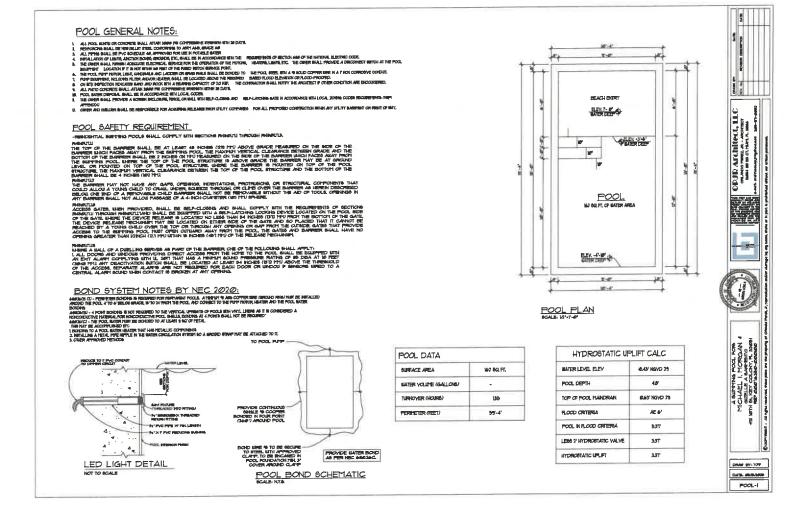
Page 2

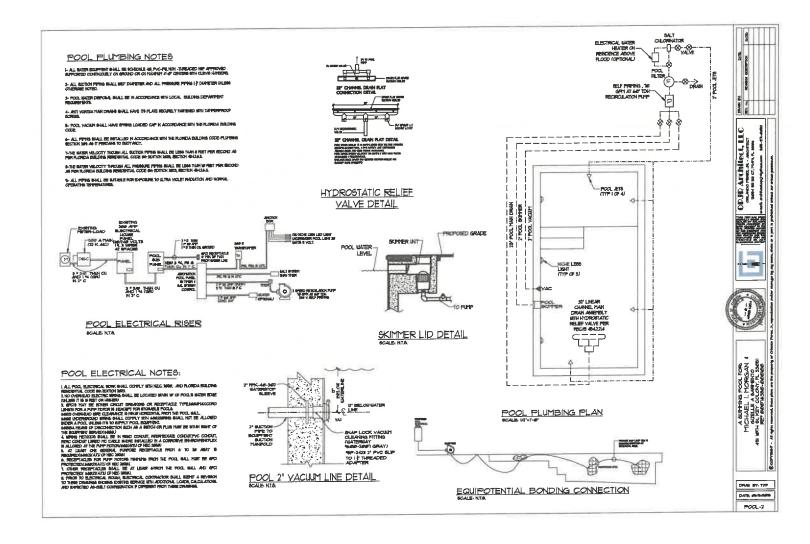
Applicant Questions and Responses-

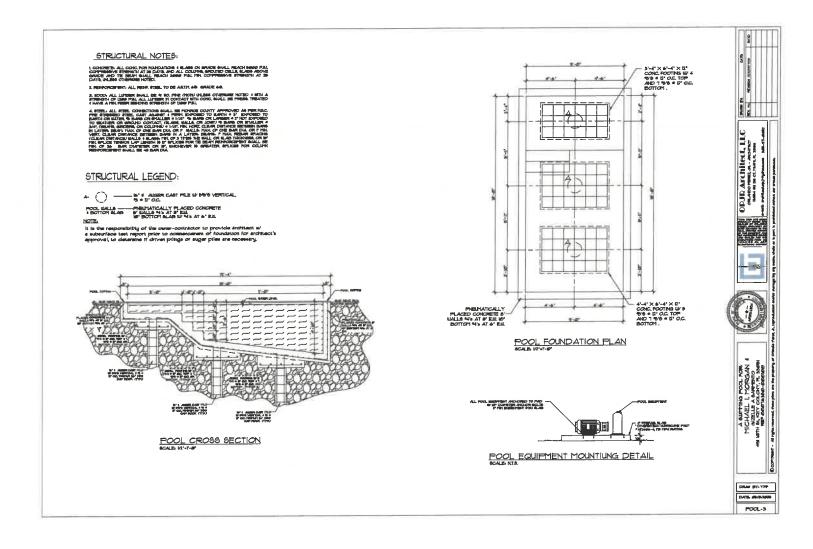
- (5) Standards for granting variances.
 - (a) Specific criteria:
 - (1) The applicant shall demonstrate a showing of good and sufficient cause;
 - (2) Failure to grant the variance would result in unnecessary hardship to the applicant;
 - (3) Granting the variance will not result in increased public 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.









City of Key Colony Beach City Commission

Post Hearing Questions

1.)	Has the applicant shown	good and sufficient	cause to grant the variance?
,	The state of processing size of the	Poor and particions	cause to grant the rariance.

Commissioner Harding	Y/N
Commissioner DiFransico	Y/N
Commissioner Diehl	Y/N
Vice-Mayor Colonell	Y/N
Mayor Foster	Y/N

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

Commissioner DiFransico	Y/N
Commissioner Diehl	Y/N
Vice-Mayor Colonell	Y/N
Commissioner Harding	Y/N
Mayor Foster	Y/N

3.) Granting this variance will not result in public expense, a threat to public health & safety and it will not create a threat to or nuisance, or cause fraud or victimization of the public?

Commissioner Diehl	Y/N
Vice-Mayor Colonell	Y/N
Commissioner Harding	Y/N
Commissioner DiFransico	Y/N
Mayor Foster	Y/N

4.) The property has unique or peculiar conditions or circumstances to this property that do not apply to other properties in the same zoning district.

Vice-Mayor Colonell	Y/N
Commissioner Harding	Y/N
Commissioner DiFransico	Y/N
Commissioner Diehl	Y/N
Mayor Foster	Y/N

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

Commissioner Harding	Y/N
Commissioner DiFransico	Y/N
Commissioner Diehl	Y/N
Vice-Mayor Colonell	Y/N
Mayor Foster	Y/N

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 18 day of August, 20 25 (no
	less than 30 days prior to the Planning & Zoning Public Hearing on October 2 nd , 2025,
	and the City Commission Public Hearing on October 16th, 2025) 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
	1250 Coury Drive, Key Colony Beach, Florida, 33051.

Produced _____ as identification

To: Property Owners within 300 feet of 1250 Coury Drive
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: Thursday, October 2nd, 2025, 9:30 A.M. City Commission Public Hearing: Thursday, October 16th, 2025, 9:30 A.M.

LOCATION:

City of Key Colony Beach City Hall Auditorium 'Marble Hall' 600 W. Ocean Drive, Key Colony Beach, Florida 33051,

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

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 Thursday, October 2nd, 2025, or Thursday, October 16th, 2025, 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 September 2nd, 2025 City Clerk, City of Key Colony Beach



Parcel ID 00079872-000401

Account# 9105153 Property ID 9105153 Millage Group 50KC

Location Address 1250 COURY Dr, KEY COLONY BEACH

 Legal
 BLK 1 LT 5 COURY SUBD NO 2 PB7-48 OR1082-2196 OR1120-1671 OR1224-1140 OR1350-1523

 Description
 OR1488-2251 OR1564-129 OR1564-130 OR1580-131 OR1619-1043 OR1700-1248 OR1980-1061

OR3217-0490

(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:

- I am the Administrative Assistant to the City Clerk for the City of Key Colony Beach.
 I hereby confirm that on the ______ day of ________, 20_25__ (no
 - less than 14 days prior to the Planning & Zoning Public Hearing on October 2nd, 2025, and the City Commission Public Hearing on October 16th, 2025) I posted the Notice of Hearing for the property located at 1250 Coury Drive, Key Colony Beach, Florida, 33051, at the United States Postal Office and City Hall.

Signature Soll



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)

September 18, 2025

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 18 day of SEPT, 2025.

(SEAL)

Notary O

TERRY PATTERSON
MY COMMISSION # HH 189834
EXPIRES: December 17, 2025
Bonded Thru Notary Public Underwriter

OLONY BEACH WILL BE HEARINGS ON: nission Public Thursday, October 25, 9:30 A.M. in ecessary to ensure sale and functional access interested parties may attend the flearing and be heard with respect to the requested with respect to the requested variance.

If any person decides to appeal any decision made by the City Commission of the City of New 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 verbalim record of the proceedings is made, which record includes the testimony and evidence upon which the appeals to be based.

If you are unable to attend the Hearings on Thursday, October 2nd, 2025, or Thursday, October 16th, 2025, but wish to comment, please direct correspondence to the confidence of the proceedings of the State of the City Appeals of the City City Appeals of the City Appeals of the City City Ap irect correspondence to the ity Clerk at P.O. Box 510141, ey Colony Beach, FL 33051, r via email at cityclerke eycolonybeach net, and your omments will be entered into ne record. ublished. On or before eptember 18th, 2025 ity Clerk. City of Key Colony ptember 16, 2025 ne Weekly Newspapers

CITY OF KEY COLONY BEACH P.O. BOX 510141 KEY COLONY BEACH, FL 33051-0141 305-289-1212 FAX: 305-289-1767

APPLICATION FOR VARIANCE

APPLICANT	Capi Group Holdings, LLC	305 345-04	113		
	Property Owner Name	Phone Numb	er		-
	1250 Coury Dr. Key Colony Beach	5	1	Coury 2	
-	Street Address of Variance	Lot	Block	Subdivision	_
	12231 SW 131 Ave Miami, FL. 33186				
	Mailing Address of Property Owner				
	an agent complete this application and represent a written, signed statement stating the name George Perez		or busi		y represent them in
	Agent Name		Agent	Phone Number	_
VARIANCE RE	QUESTED to: Land Development Regulation Code of Ordinances Chapter	ons Chapter O	, Sec	tion 10 ((8)
distance from side the variance (for construction or ex Construction of level as per th	OF VARIANCE: Please describe the variance, rear or front lot lines, or details of the variance example, building would encroach into the existing conditions. of the approved residential project have permitted plans. A variance is being access to the observation deck. This	setback bys commenced requested fo	feet). and h	rule in effect Also state i has now re tional heig	t and the reason for if this is for future ached the top tht to
	oject design, and the requested heigh				
functional acc		IC HICICANE IN H	(CC33	ary to raci	Heate sale and
-A sketch o	000	_	uested	I.	
Office Use On	•				
Date Filed	31-9092	Date Paid		Che	ck #
Variance granted	d / denied on (date)		Signati	UTUV	Ciul
Si City Commission VAR	NANCE/Variance Application doc		1		1

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:

	What are the unnecessary hardships that would result if the variance is not granted? Demolition of concrete and steel work already in place. Re-design and re-engineering
C	of structure including roof trusses currently on site. Unusable windows and doors
i	hat have been ordered and paid for. Reduction in property value since the observation
100	deck overlooking Vaca Cut is the main feature of the design.
;	f this variance is granted, would there be any increase to public expense that would not otherwise occur? Wo reate a threat to public health and safety? Would it create a nuisance? Or cause fraud or victimization oublic? It will create non of the above.
	It will create non of the above.
	What are the unique or peculiar physical/geographical circumstances or conditions that apply to this property, bot apply to other properties in the same zoning district?
I	The variance is granted, would it confer upon the applicant any special privilege that is denied to other proper the immediate neighborhood in terms of the established development pattern?
-	No .
-	ce Use Only
	ments and Recommendation of the Building Official
	SEE ATTACHED

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.

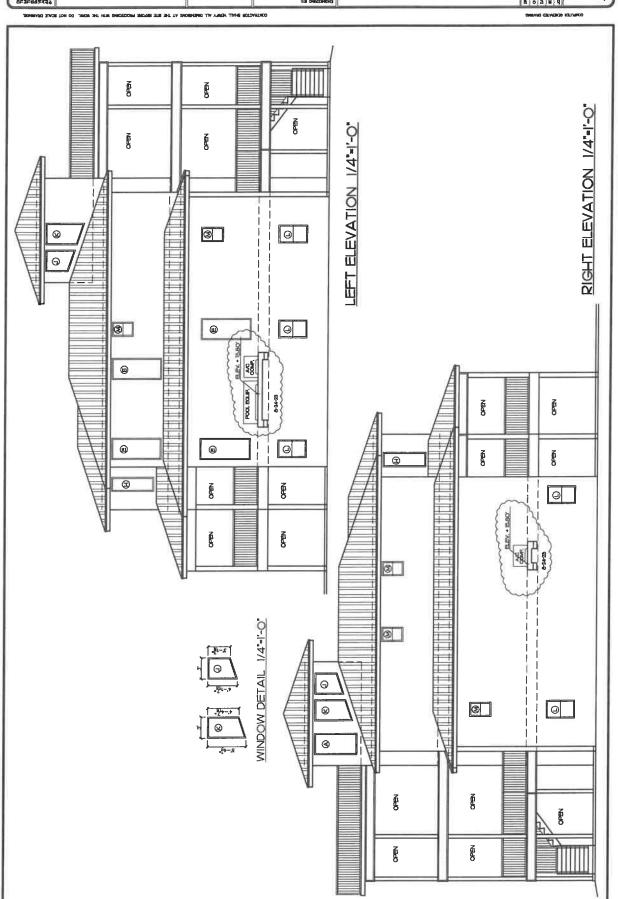
A building permit application must be submitted within twelve (12) months of variance approval otherwise the approval expires. Any extension of up to twelve (12) months may be granted by the city commission for good cause.

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.





8-1-25

City of Key Colony Beach 600 W Ocean Dr Key Colony Beach, FL 33051

Re: 1250 Coury Dr Height Variance

Dear Council,

It is my understanding that the above referenced property's building plans were previously approved for the height shown therein. This letter is to inform Council that I have no objection to approving an after-the-fact variance.

Sincerely,

Sherwood Danoff 1230 Coury Dr. Key Colony Beach T. 305 804-7184 8-1-25

City of Key Colony Beach 600 W Ocean Dr Key Colony Beach, FL 33051

Re: 1250 Coury Dr Height Variance

Dear Council,

It is my understanding that the above referenced property's building plans were previously approved for the height shown therein. This letter is to inform Council that I have no objection to approving an after-the-fact variance.

Sincerely,

Steven J. Wenger Steven L. Wenger

100 13 Street

Key Colony Beach

T. 419 236-0590

Date: July 30, 2025

RE: Variance Request – 1250 Coury Drive – After the Fact

Recently Mr. Perez came to us for a possible variance request to add additional 1' 1/2" height to his observation deck enclosure to accommodate a change required by the elevator company to allow clearance for top of elevator shaft. When I investigated this request and reviewed the approved plans from 9/23, I noted that the plans were incorrectly approved by our building department. Our LDR's and code dictate maximum height of 40' to be measured from closest crown of road for a base level measurement. Mr. Perez's plans were approved for height from DFE "design flood level" for his district. Basically, he was approved, and the highest point of this new construction will be 5 1/2" above our height requirements. This high point of residence is to accommodate and observation access to roof deck providing elevator and interior stairs. "It is not a livable area in size or designated as a 3rd floor" Mr. Perez worked closely with the previous building department to make sure everything was done correctly and approved to have his plan sent to the state for review. Currently we have 2 homes in key colony that exceed height restrictions that have similar observation and roof access structures that were approved for access observation only. In this case the entire plan that was approved is centered around the observation area and would be a complete revision to existing construction, providing major hardship to owner.

- -Key Colony's maximum height is 40' measured from crown of road. Code LDR's 101-10 (8) & 101-8 "Street Grade"
- -1250 Coury Drive is projected to be at 45' ½" measured from crown of road. (5' ½" over height)
- -Florida Statute is 40 feet maximum height for residential construction in VE zones.
- -Similar homes in the Coury Subdivision have elevator and observation access areas that were approved for height variance.

While the BFE "Base Flood Level" dictates the minimum finished floor elevation for buildings in flood zones, it doesn't directly define the maximum overall building height. The maximum height is subject to our local zoning regulations and is measured from grade, "Crown of road" not the BFE.

Mayor Foster was instrumental in reviewing my findings and decision for this recommendation.

Sincerely,

Tony Loreno, Building Official

City of Key Colony Beach City Commission

Post Hearing Questions

1.	Has the applicant shown	good and sufficient cause to grant the variance?
	Time the applicant shows	Book with a survivious to Branch and a survivious to

Commissioner Harding	Y/N
Commissioner DiFransico	Y/N
Commissioner Diehl	Y/N
Vice-Mayor Colonell	Y/N
Mayor Foster	Y/N

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

Commissioner DiFransico	Y/N
Commissioner Diehl	Y/N
Vice-Mayor Colonell	Y/N
Commissioner Harding	Y/N
Mayor Foster	Y/N

3.) Granting this variance will not result in public expense, a threat to public health & safety and it will not create a threat to or nuisance, or cause fraud or victimization of the public?

Commissioner Diehl	Y/N
Vice-Mayor Colonell	Y/N
Commissioner Harding	Y/N
Commissioner DiFransico	Y/N
Mayor Foster	Y/N

4.) The property has unique or peculiar conditions or circumstances to this property that do not apply to other properties in the same zoning district.

Vice-Mayor Colonell	Y/N
Commissioner Harding	Y/N
Commissioner DiFransico	Y/N
Commissioner Diehl	Y/N
Mayor Foster	Y/N

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

Commissioner Harding	Y/N
Commissioner DiFransico	Y/N
Commissioner Diehl	Y/N
Vice-Mayor Colonell	Y/N
Mayor Foster	Y/N