

THE CITY OF KEY WEST
PLANNING BOARD
Staff Report

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Ben Gagnon, Planner I

Meeting Date: September 19, 2024

Agenda Item: **Variance – 1415 Rose Street (RE#00058910-000000)** – Applicant seeks a building coverage of 49% instead of the maximum permitted 35% to allow for the addition of a one bedroom, one bathroom elevated addition, attached to a single family residence located in the Single Family Zoning District (SF) pursuant to Sections 122-238 and 90-395 of the Land Development Regulations.

Request: A request for a building coverage variance to allow for the construction of a one bedroom one bathroom attached addition.

Property Owner: Cindy Shi

Applicant: Cindy Shi

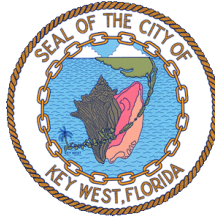
Location: 1415 Rose Street

Zoning: Single Family (SF)

Background

The subject property is a single-family, single-story home located in the Single Family (SF) district. The property is adjacent to additional residential development to the north, west, and east.

The subject property maintains a lot area of approximately 6,000 square feet. The minimum lot size in SF is 6,000 square feet. The maximum building coverage is 35%. The property exists at a nonconforming



coverage of 41% and the applicant is seeking to increase lot coverage to 49% - representing a relaxation of 40%..

Process:

Planning Board Meeting: September 19th, 2024

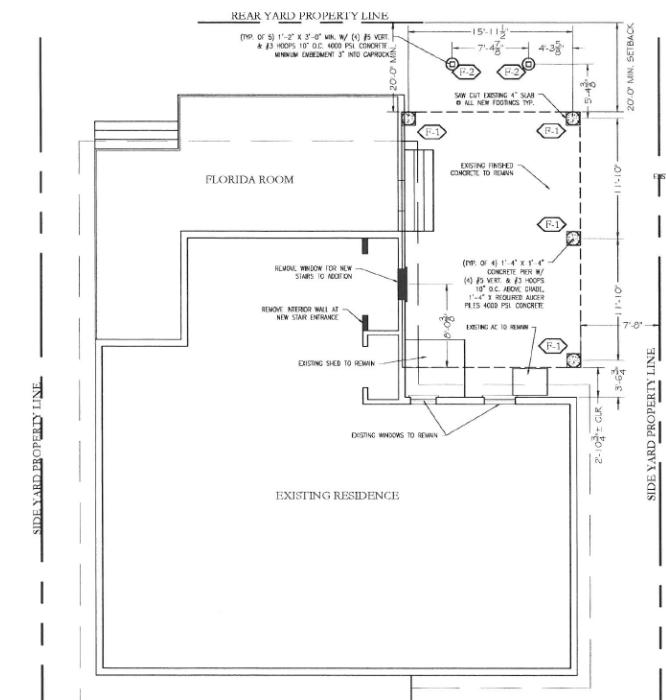
HARC Meeting: TBD

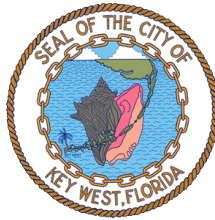
Local Appeal Period: 10 Days

Site Plans:

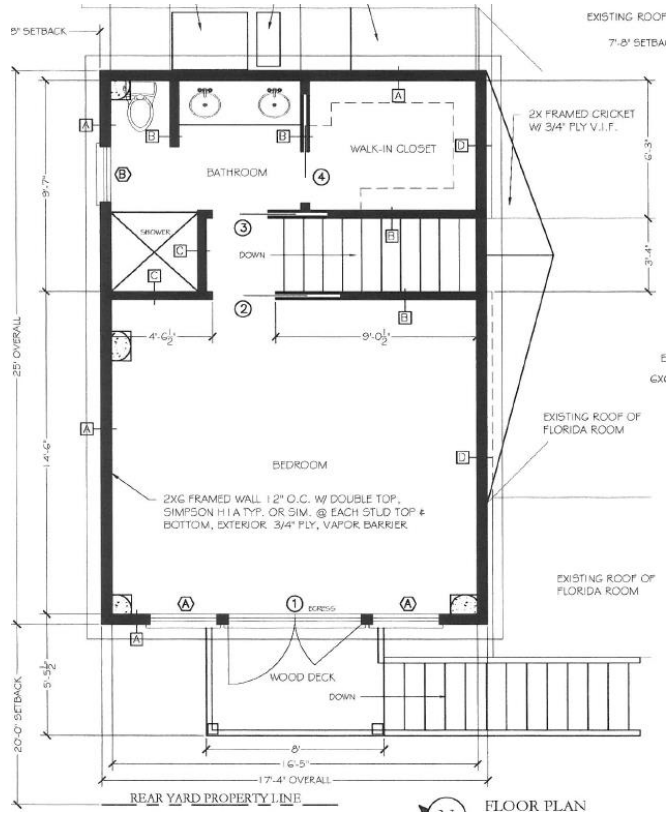
<u>Code</u>	<u>Existing</u>	<u>Proposed</u>
Building Coverage 35%	41% (2,557 sf)	49% (3,035 sf)
Impervious 50%	65%	65%
Front, Side, Rear Setbacks	19.1' Front, 5.5' Side, 7.5' Side, 18.25' Rear	No Changes

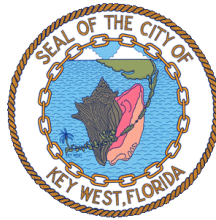
Existing plan



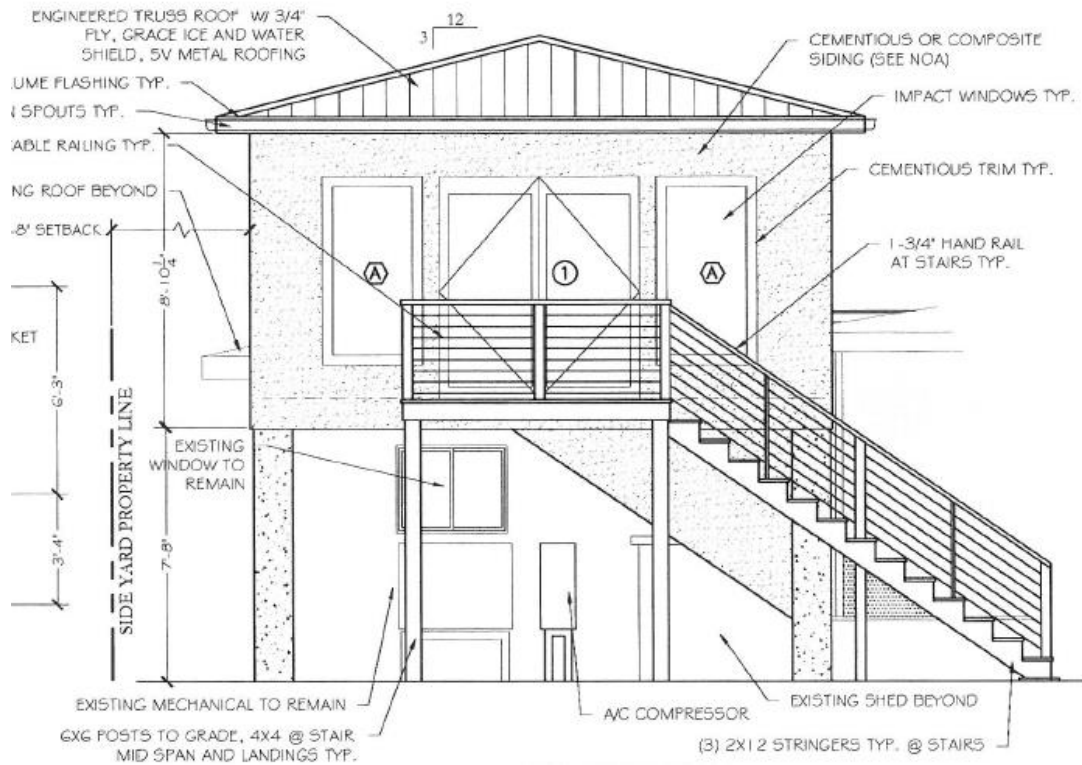


Proposed floor plan of room.





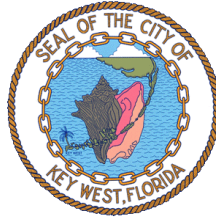
Elevations:



Staff Analysis:

Variations are governed by City Code Chapter 90 (Administration), Article V, Division 3 (Variations). Pursuant to Section 90-395 (Standards, findings), before any variation may be granted, the Planning Board must find all of the following:

- (1) Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.
- (2) Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.



(3) Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.

(4) Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

(5) Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

(6) Not injurious to the public welfare. That the grant of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

(7) Existing nonconforming uses of other property not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

Pursuant to Section 90-392 (b), "In granting such application the planning board must make specific affirmative findings respecting each of the matters specified in section 90-394 and may prescribe appropriate conditions and safeguards, including requirements in excess of those otherwise required by these land development regulations, which shall become a part of the terms under which a development order may be issued."

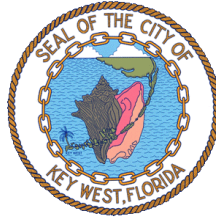
In addition, pursuant to Section 90-395, the Planning Board shall make factual findings regarding the following:

(1) That the standards established in subsection (a) have been met by the applicant for a variance.

(2) That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.

As of September 9th, 2024 Staff has not received any neighbor comments.

Staff has found that the application is not in compliance with the variance criteria contained within Section 90-395. Specifically, the house is already 17% over the maximum permitted building coverage. In addition,



the variance requested is not the minimum necessary to maintain a reasonable use of the property and the hardship, if any, is self-created.

Recommendation:

Based upon the above analysis, it is recommended that the variance request be DENIED. Should the board move to approve we recommend it be subject to the following conditions:

1. The proposed development shall be in substantial compliance with the site plans signed, sealed and dated June 9, 2024 by WM Rowan Architecture, notwithstanding any revisions requested and recommended by staff. Construction drawings for permitting shall be dated as approved herein, with any proposed revisions (modifications) clearly noted. All modifications shall be submitted for review and approval to the Planning Department prior to a building permit application.
2. Review and approval by the Fire Marshall for compliance with fire code.