



THE CITY OF KEY WEST PLANNING
BOARD
Staff Report

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Kimberly Barua, AICP, The Corradino Group

Meeting Date: March 17, 2022

Agenda Item: **Variance – 718 Southard Street (RE# 00011740-00000)**- Variance request for exceeding the allowed maximum building coverage, impervious surface ratio, and minimum open space. As well as a variance request for a reduction for a rear setback for an existing non-conforming accessory structure at a single family residence in the Historic High Density Residential (HHDR) zoning district pursuant to Sections 90-395, 122-630 and 122-1181 of the City of Key West Land Development Regulations.

Request: A request for a variance to allow reduced minimum open space, increased building coverage, reduced impervious surface and reduced a rear setback for an existing non-complying accessory structure. The applicant is proposing to build a pool and deck.

**Property Owners/
Applicant:** Alicia Manfroy

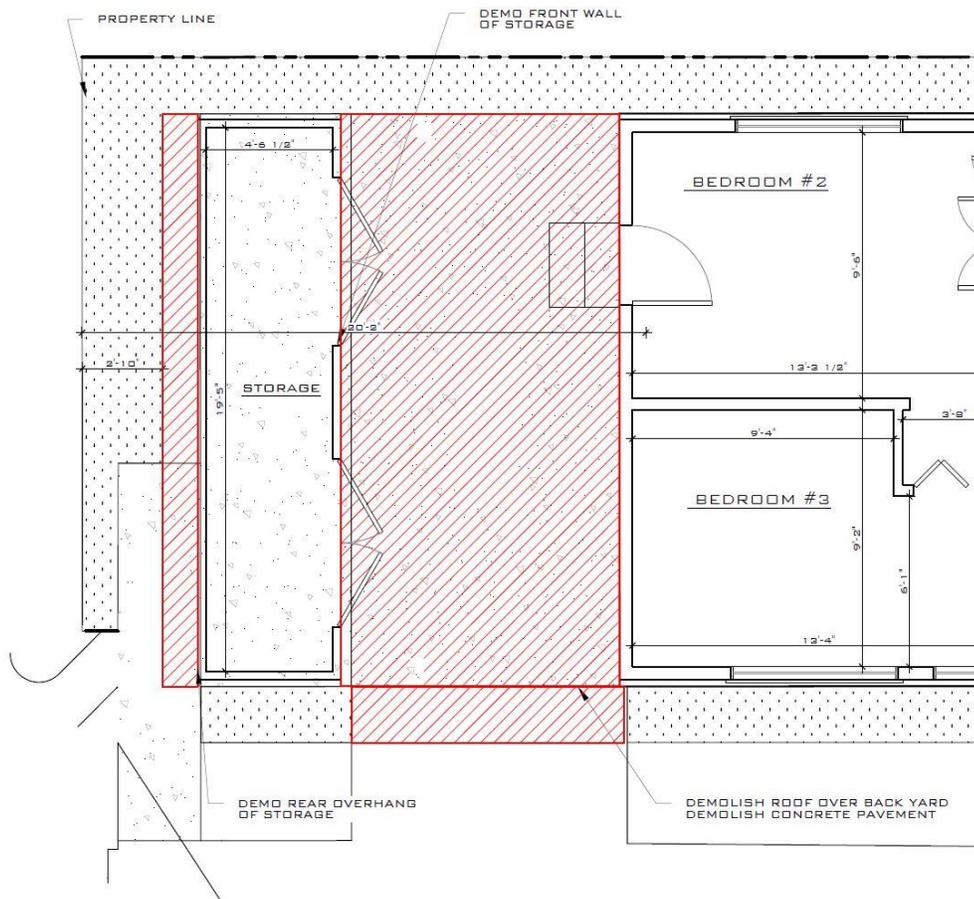
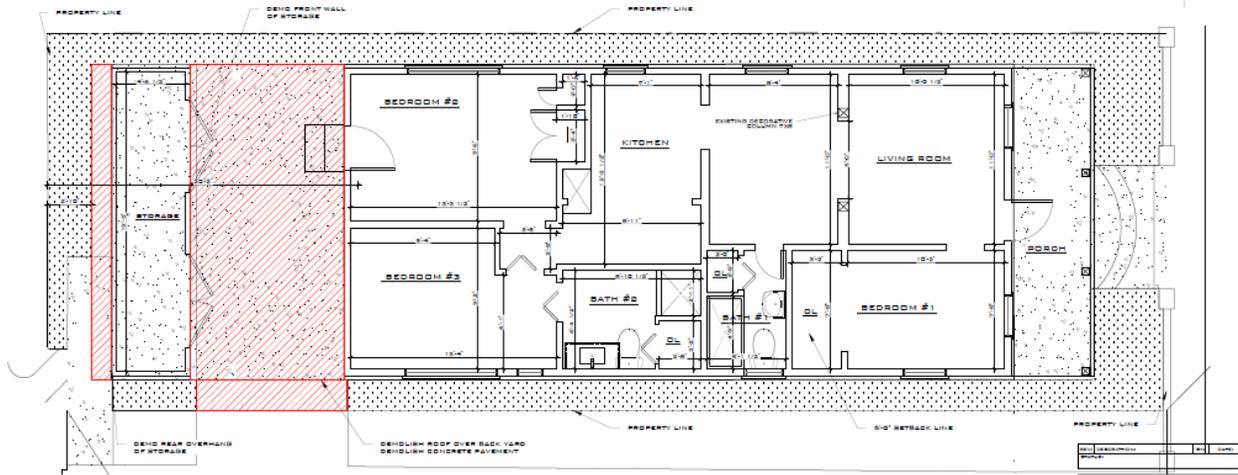
Location: 718 Southard Street (RE# 00011740-000000)

Zoning: Historic High Density Residential (HHDR)

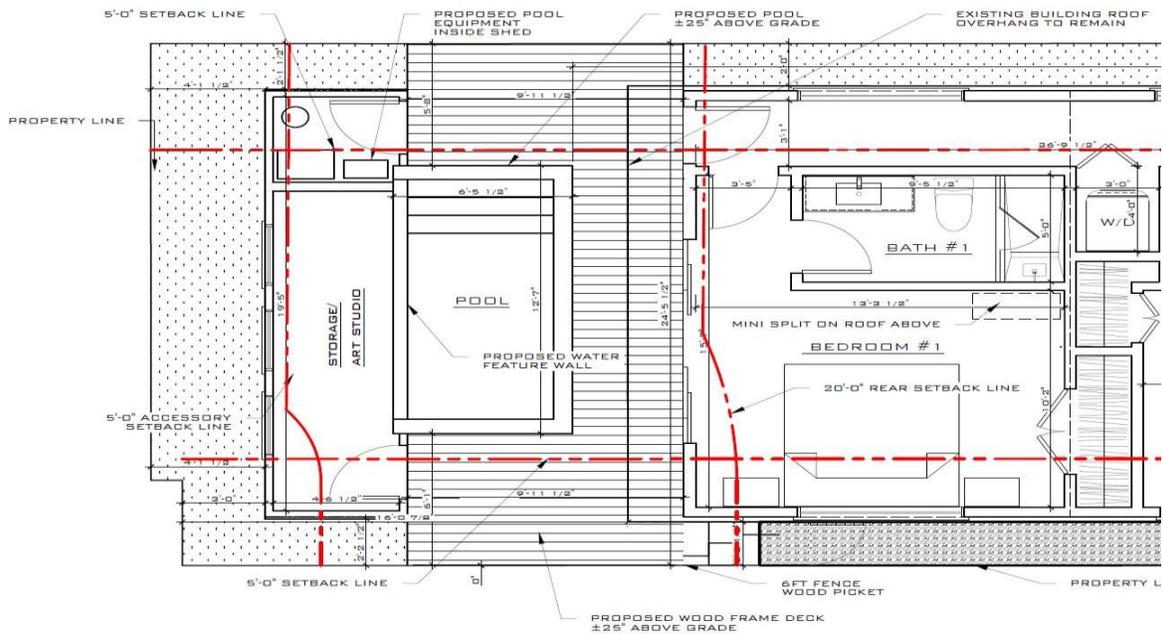
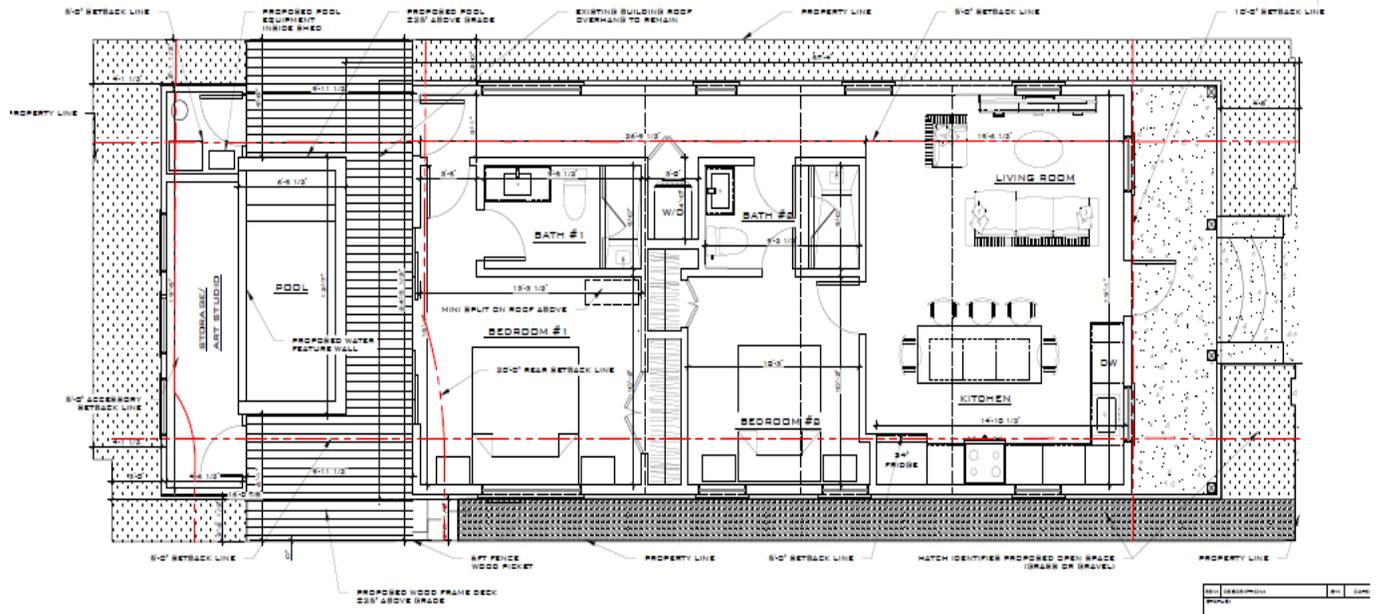


Background/Request: The subject parcel is one lot of record and is located within the Historic High Density Residential (HHDR) zoning district facing Southard Street. The lot includes a 1 story wood frame structure and an existing accessory structure in the backyard. The applicant is proposing to build a pool and a pervious wooden pool deck. The applicant is also proposing to demolish the concrete pad and outdoor roof in the backyard. The proposed pool would need a variance as it would not meet open space requirements, building coverage or impervious surface requirements. The existing accessory structure would need a variance as it does not meet rear setback.

Current Site Plan, Submitted by Applicant (*lower image enlarged for clarity*)



Proposed Site Plans, submitted by the applicant (*lower image enlarged for clarity*)



Site Data Table

	Required/Allowed	Existing	Proposed	Variance Requested
Zoning		HHDR		
Flood Zone	NA			
Size of Site	1,771 sq ft			
Building Coverage	50% (885 sq ft)	75.2% (1,416 sq ft)	64.28% (1,138 sq ft)	253 sq ft or 14%
Impervious Surface	60% (1,063 sq ft)	79.93% (1,416 sq ft)	70.70% (1,252 sq ft)	189 sq ft or 70%
Open Space Requirement	35% (620 sq ft)	20% (356 sq ft)	21.78% (386 sq ft)	234 sq ft
Front Setback	10'	4' 8"	4' 8"	No Change, 5'4"
Left Side Setback (Accessory)	5'	2'2"	2'2"	No change, 2'10"
Right Side Setback (Accessory)	5'	2'3"	2'3"	No change, 2'7"
Rear Setback (Accessory)	5'	2"	4'1"	No change, 11"

The applicant is requesting a variance pursuant to Sections 90-395, 122-630, and 122-1181 of the City of Key West Land Development Regulations as noted more specifically below. The applicant is improving existing non-compliance with respect to building coverage by about 10% or 279 square feet, impervious surface non-compliance is improving by about 10% or 164 square feet and open space non-compliance is improving by 30 square feet.

For the pool and deck specifically:

The applicant is requesting 64% building coverage. The code requires no more than 50%.

The applicant is requesting 70% impervious surface ratio. The code requires no more than 60%.

The applicant is requesting 21% open space requirement. The code requires no less than 35%.

For the existing accessory structure:

The applicant is requesting 4' 1" rear setback. The code requires 5' minimum.

Process:

Planning Board Meeting: March 17, 2022

HARC: TBD

Local Appeal Period: 30 days

DEO Review Period: up to 45 days

Staff Analysis- Evaluation:

The criteria for evaluating a variance are listed in Sections 90-395 of the City of Key West Land Development Regulations. The Planning Board before granting a variance must find all 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.*

Main building was built in 1943 on a small parcel with several additions and alterations permitted in 1986 (brick patio). There is no history of when the accessory structure was built. The additions along with the main house put the parcel over the open space requirement, building coverage and impervious surfaces dimension requirements allowed. The accessory structure is a non-complying structure due to the setbacks. This is an existing non-complying situation. Although there are no special circumstances, the applicant is reducing non-compliance with these proposed changes.

NOT IN COMPLIANCE

2. *Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.*

Home was constructed in 1943. Applicant purchased the home in 2021. The proposal of the pool addition is created by the applicant. The property and accessory structure are already not in compliance for allowed impervious surface, maximum building coverage, open space requirements and accessory structure setbacks.

NOT IN COMPLIANCE

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.*

The Land Development Regulations set maximum building coverage and impervious surface ratios to ensure life safety, general welfare, health standards, and aesthetics. The proposed changes would not be following the Code but would function to reduce the site's noncompliance with respect to building coverage, impervious surface, and open space.

NOT IN COMPLIANCE

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

The parcel located at 718 Southard Street is already not meeting the open space, impervious surface requirement, accessory structure setbacks and building coverage requirements. The Land Development Regulation's open space requirement is designed to curtail overdevelopment on lots as well as ensuring sustainability of the block by regulating open space.

NOT IN COMPLIANCE

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.*

There are already multiple existing non-conforming requirements (building coverage and impervious surface, open space and accessory structure setbacks) on this property.

NOT IN COMPLIANCE

6. *Not injurious to the public welfare. That the granting 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.*

Although the intended use is for the applicant's backyard, the variance will not be in harmony with the general intent of the land development regulations but would not be injurious to the area involved or detrimental to the public interest or welfare.

NOT IN COMPLIANCE

7. *Existing nonconforming uses of other property shall not be considered as 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.*

Existing non-conforming uses of other properties, use of neighboring lands, structures, or buildings in the same district, or other zoning districts, are not the basis for this request.

IN COMPLIANCE

Concurrency Facilities and Other Utilities or Service (Section 108-233):

It does not appear that the requested variance will trigger any public facility or utility service capacity issues.

The Planning Board shall make factual findings regarding the following:

That the standards established by the City Code have been met by the applicant for a variance.

The standards established by the City Code have not been fully met by the applicant for the variance requested.

That the applicant has demonstrated “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.

The Planning Department has not received any public comment for the variance request as of the date of this report.

The Planning Board shall not grant a variance to permit a use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district.

No use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms or the ordinance in the zoning district would be permitted.

No nonconforming use of neighboring lands, structures, or buildings in the same 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.

No such grounds were considered.

No variance shall be granted that increase or has the effect of the increasing density or intensity of a use beyond that permitted by the comprehensive plan or these LDRs.

No density or intensity of a use would be increased beyond that permitted by the comprehensive plan or these LDRs.

RECOMMENDATION:

The existing improvements on this property are not in compliance with the Code. However, the effect of the proposed renovations associated with this application would improve existing non-compliance with respect to building coverage by about 10% or 279 square feet, impervious surface non-compliance would improve by about 10% or 164 square feet and open space non-compliance would improve by 30 square feet. Given that all criteria for variance review are not in compliance the Planning Department recommends **DENIAL**.

If the Planning Board chooses to approve the variance, the Planning Department recommends the following conditions:

1. The proposed construction shall be consistent with the plans, signed, sealed and dated 1/6/2022 by Serge Mashtakov.