

THE CITY OF KEY WEST
PLANNING BOARD
Staff Report



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Scarlet R. Hammons, AICP CTP, The Corradino Group

Meeting Date: April 21, 2022

Application: **Variance - 819 Georgia Street - (RE# 00025350-000000)** - Variance request for non-conforming side yard setback, building coverage, minimum open space and maximum impervious surface in the Historic Medium Density Residential (HMDR) zoning district pursuant to Section 90-395, 122-600(4), 122-600(6), and 108-346 of the City of Key West Land Development Regulations.

Request: The applicant is proposing to construct a new driveway and a ramp to the existing home, replace and update the air conditioning and pool equipment and restore the pool deck.

Applicant: Mathew Stratton

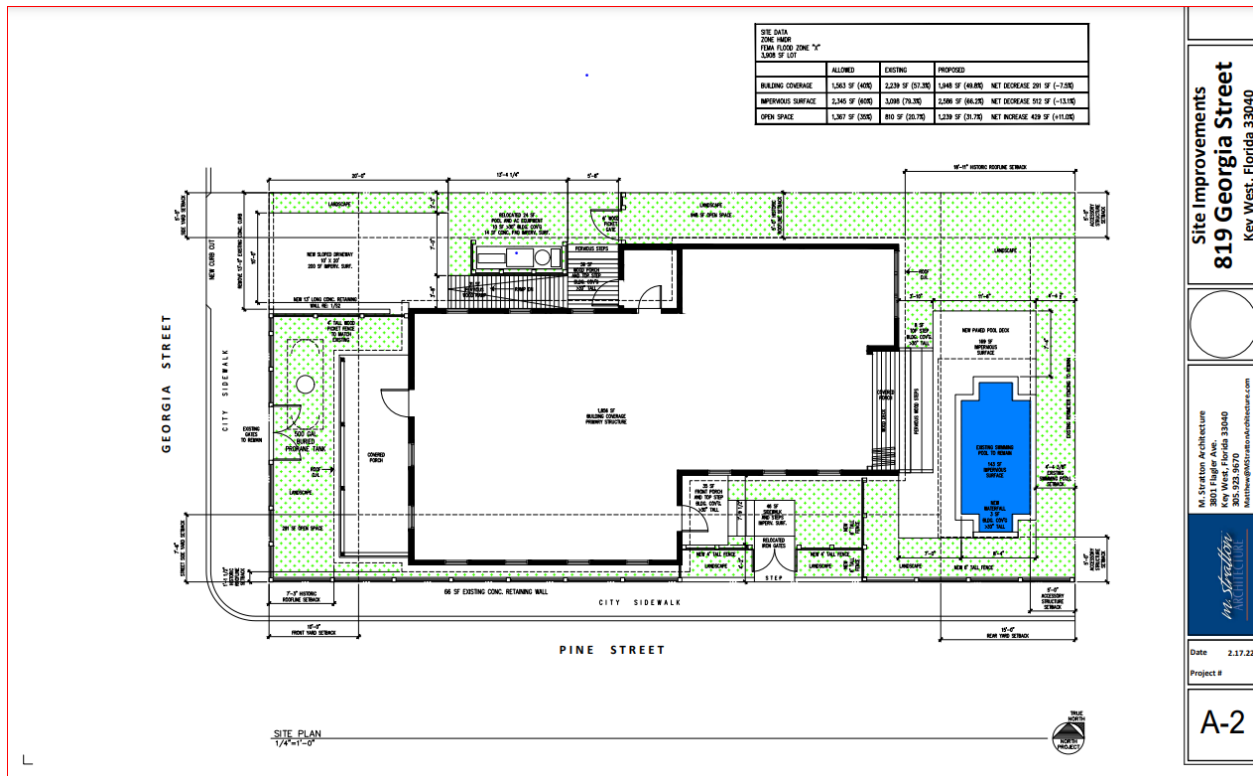
Property Owner: Barbara K. Sheffler

Location: 819 Georgia Street - (RE# 00025350-000000)

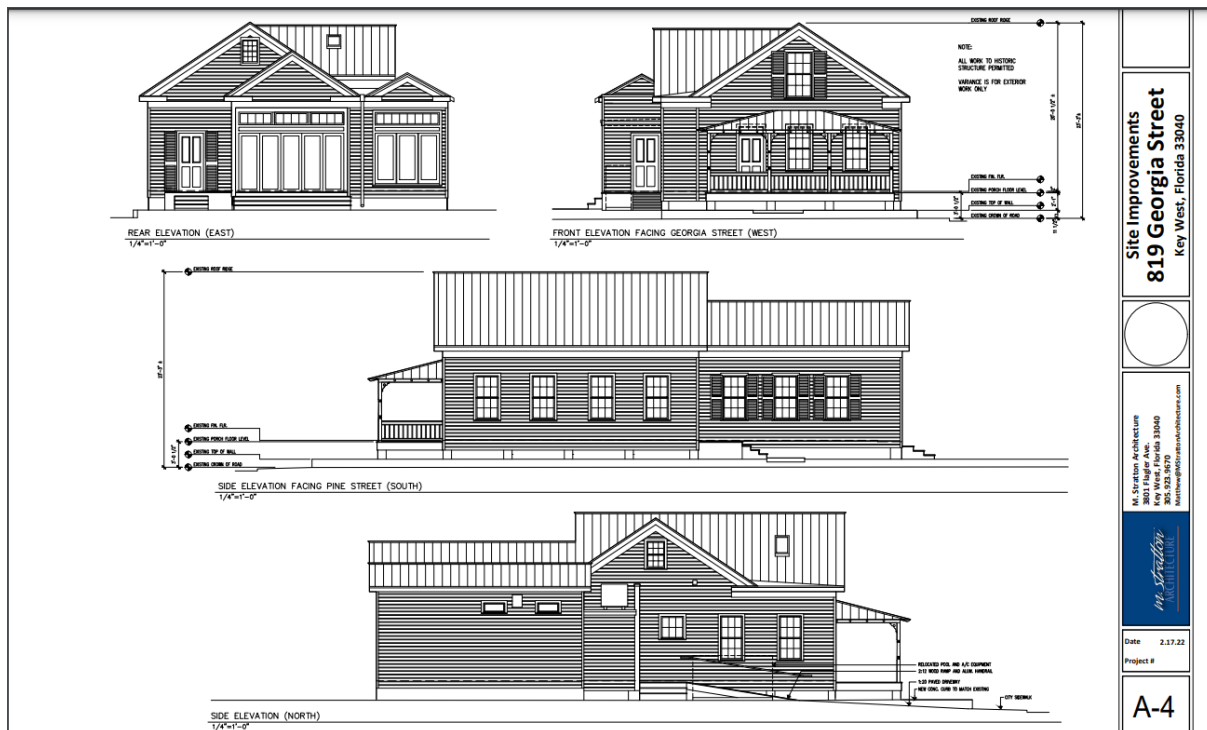


The subject property at 819 Georgia Street is located on the corner of Georgia and Pine Streets and is one lot of record. The parcel includes a 1,530 square foot 1.5 story single-family residence. The property is located within the Historic Medium Density Residential (HMDR) Zoning District. The applicant is proposing to restore access to the historic structure to improve accessibility onto the property with a new driveway and ramp to the front door, to repair the front porch, replace the air conditioning and pool equipment and replace the pool deck around the existing pool. Side entry stairs are being removed and replaced within the street side setback, however this encroachment currently exists and is not increasing.





Proposed Site Plan dated February 17, 2022



Proposed Elevations dated February 17, 2022

Site Data:

The site data table below provides the current and proposed site data for the property. Variances proposed include a reduction in the street yard setback, building coverage, impervious surface and open space. Based on the plans submitted, the proposed design would require variances to the following dimensional requirements:

Site Data Table				
	Code Required	Existing	Proposed	Variance Request
Zoning	HMDR			
Flood Zone	X			
Size of Site	4,000 SF	3,908 SF	No change	Existing noncompliance
Height	30 feet	23' – 3"	No Change	None
Front Setback	10 feet	7' - 3"	No change	Existing noncompliance
Side Setback	5 feet	5'	No Change	In compliance
Street Side Setback	7 feet 6 inches	1' – 1.5" House 3' – 8" Stairs	No Change (Stairs Reconstructed)	Variance Required 3' – 8"
Rear Setback	15 feet	18' – 11"	No Change	In compliance
Building Coverage	40% -- 1,563 SF	57.3% -- 2,239 SF	49.8% -- 1,948 SF	Variance Required 291 SF (Improvement)
Impervious Surface	60% -- 2,345 SF	79.3% -- 3,098 SF	66.2% -- 2,586 SF	Variance Required 512 SF (Improvement)
Open Space	35% -- 1,367 SF	20.7% -- 810 SF	31.7% -- 1,239 SF	Variance Required 429 SF (Improvement)

- The required maximum building coverage in the HMDR zoning district is 40%, or 1,563 square feet. The existing building coverage is 57.3%, or 2,239 square feet. The applicant is proposing 49.8%, or 1,948 square feet. The applicant has proposed to reduce the noncompliance of this standard by approximately 7.5%.
- The required maximum impervious surface ratio in the HMDR zoning district is 60%, or 2,345 square feet. The existing impervious surface ratio is 79.3%, or 3,098 square feet. The applicant is proposing 66.2%, or 2,586 square feet. The applicant has proposed to reduce the noncompliance by approximately 13.1%.
- The minimum open space ratio is 35%, or 1,367 square feet. The existing open space 20.7%, or 810 square feet. The proposed open space ratio is 31.7%, or 1,239 square feet. The applicant is proposing to improve the noncompliance of this standard by approximately 429 SF which will result in a net increase or improvement of 11%.
- The required minimum street side yard setback is 7 feet 6 inches. In order to fix the side entry stairs the applicant is proposing to demolish what exists and replace with new stairs in the

same location. The stairs would remain an encroachment into the street side yard setback by 3 feet and 8 inches and be approximately 4 feet 2 inches from the street side property line. However, the new porch and stairs will improve safety.

Process:

Planning Board Meeting:	April 21 st , 2022
HARC:	June 29, 2021
Local Appeal Period:	10 Days
Planning renders to DEO for review:	Up to 45 days

Staff Analysis - Evaluation:

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. 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.*

The existing dimensions and size of the parcel as well as the structure pre-date requirements of the current Land Development Regulations, and therefore were legally conforming in the HMDR zoning district. The applicant is replacing wood decking, constructing a ramp and driveway. The request is to make safety improvements to the property, although there remains an encroachment into the side yard street setback. There are no existing special conditions or circumstances that render the land, structure or building that are special to this property.

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.*

All but one of the variances requested are to bring non-conformities more in line with the current Land Development Regulations. No existing noncompliance is being expanded and no new noncompliance is being created.

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 property is currently noncomplying with respect to the lot size, setbacks, maximum building coverage, open space and impervious surface. The proposed design would reduce some of the dimensional standard noncompliance.

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 other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.*

Denial of the requested variance would not deprive the applicant of rights commonly enjoyed by other properties in the HMDR zoning district. However, some of the surrounding properties do have similar constraints on their properties and providing a ramp, driveway area and fixing the deck may alleviate safety concerns, and in some aspects the property will become more complying. The property is currently noncomplying with respect to lot size, setbacks, building coverage, impervious surface, and open space.

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.*

The variances requested are not the only minimum requirement that will make possible the reasonable use of the land, building and/or structure. However, some of the proposed improvements will alleviate safety concerns.

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.*

The granting of the variance may alleviate some concerns with safety. There are several noncompliant issues that will become more compliant.

IN COMPLIANCE

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.*

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 Section 90-395 of the City Code have been met by the applicant for a variance.

The standards established by Section 90-395 of the City Code have not been fully met by the applicant for the variances requested.

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.

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

Recommendation:

The variance requests to the minimum requirements do not meet the criteria stated in Section 90-395. The Planning Department recommends **denial**.

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

General Conditions:

1. The proposed design shall be consistent with the plans signed, sealed, and dated, February 17, 2022, by M. Stratton Architecture for 819 Georgia Street.