



THE CITY OF KEY WEST
PLANNING BOARD
Staff Report

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Mario Duron, AICP, Corradino

Meeting Date: April 21st, 2022

Agenda Item: **Variance- 205 Julia Street (RE# 00026860-000000)** – A request for variances from the required front and side setbacks, and a variance request for exceeding the maximum building coverage, for property located within the Historic Medium Density Residential (HMDR) Zoning District pursuant to Sections 90-395, 122-28(b) and 122-600 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: The applicant is proposing to restore a structure that once operated as a neighborhood variety store. The reconstruction will be used for storage; however, the exterior façade of the historic accessory structure will resemble the former William's Variety Store. To effectuate the reconstruction, the applicant is requesting variances from the Land Development Regulations for properties zoned HMDR. The applicant requests a variance to exceed the allowable maximum building coverage by 8% or 322 SF, and variances to permit noncomplying front and side yard setbacks.

**Applicant/
Property Owner:** Karen Goddard

Location: 205 Julia Street (RE# 00026860-000000)

Zoning: Historic Medium Density Residential (HMDR)



3. Photograph of the former William's Variety Store, circa 1965.

Background/Request:

The subject property near the intersection of Julia Street and Emma Street is located in the Bahama Village neighborhood of Key West. The property is zoned Historic Medium Density Residential (HMDR).

The property is improved with two residential structures. The secondary residential structure is situated in the rear of the property and is labeled "Wood Shed" on the property's survey. Per City records, the property has three (3) recognized dwelling units. Currently, there are two (2) active residential units and one (1) unused unit.

According to the County's Property Appraiser's office, the principal dwelling structure in the front of the property was built in 1923. Adjacent to the principal dwelling is an accessory shed structure that historically operated as the William's Variety Store. The accessory structure was built with a zero (0) setback from the front and side (west) property lines. In addition to the noncomplying setbacks, the site exceeds the maximum building coverage for properties zoned HMDR by approximately 8% or 322 SF.

While maintenance improvements have been made to the property, the historic accessory structure formerly used as a variety store is in poor condition and has fallen into disrepair. Consequently, the entire structure must be

rebuilt, including the foundation, floor, and exterior walls. In order to effectuate the reconstruction of the historic accessory structure, the applicant will require the following variances from the LDRs, including:

- A variance from Sec. 122-600(4) to exceed the maximum building coverage; and
- A variance from Sec. 122-600(6) for noncomplying front and side setbacks:

The variances are being requested in accordance with Section 122-28(b) of the City's LDRs. The Code section requires a variance approval to reconstruct a noncomplying accessory structure to a principal building with a dwelling unit. Accessory structures include sheds, pools, and fences.

The proposed reconstructed shed will feature a façade similar to the exterior of the former Williams Variety Store pictured above. While the exterior of the structure will resemble its former use, the reconstructed accessory structure is intended for storage use only.

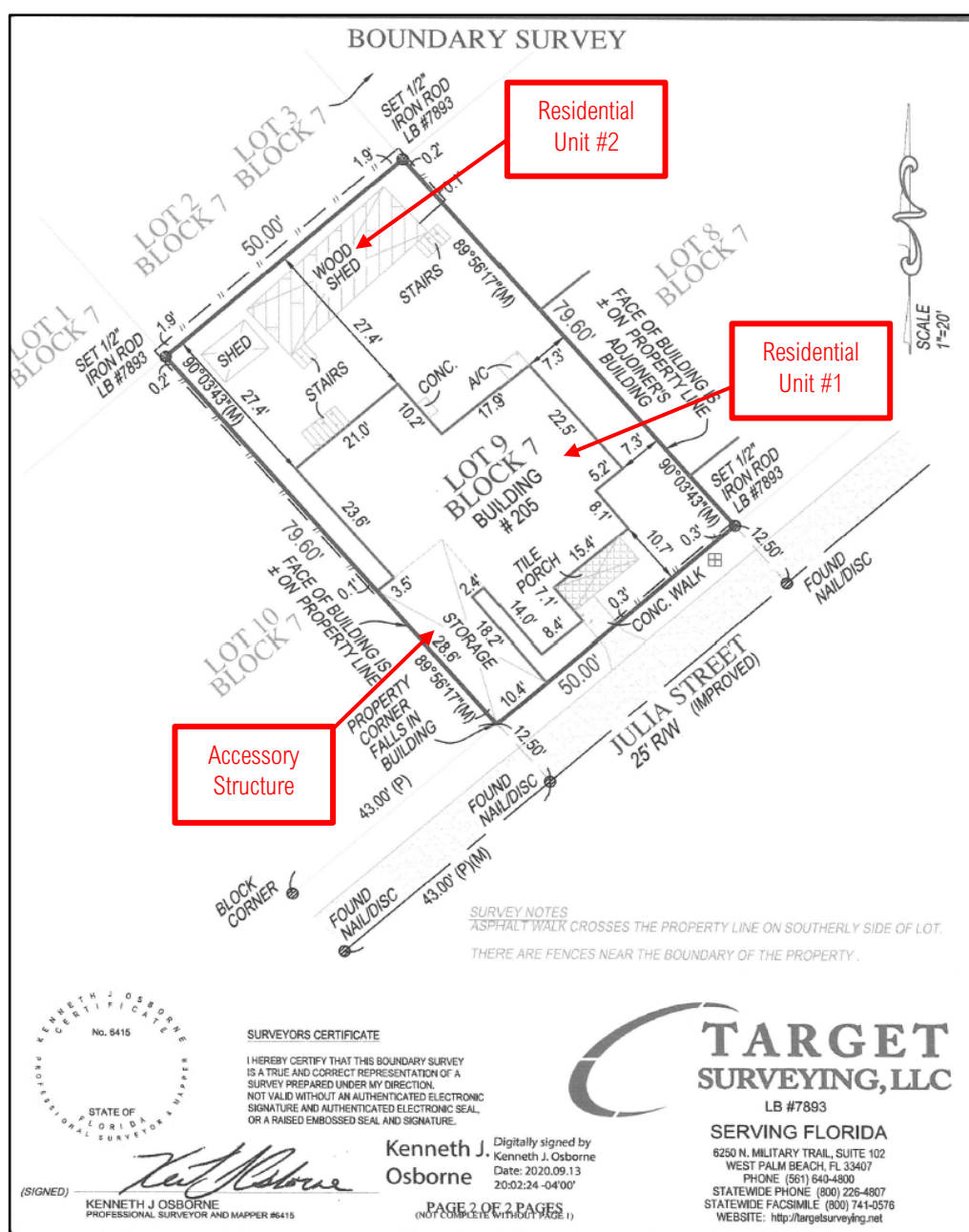
The application item did not have a formal meeting before the Development Review Committee, however DRC staff members reviewed the request and provided comments. Comments received are summarized below.

- **Utilities**, prepared by Elizabeth Ignoffo: Please install gutters along both sides of the roof eaves. Direct downspout discharges back onto the property, preferably into landscaped areas. Electric meter is located on property line side of structure. Please coordinate building meter location and weatherhead with Keys Energy Services. Please confirm grounding for electric service. Also, note dartboard and mirror hanging from structure.
- **Fire**, prepared by Lt. Timothy Anson: The [accessory structure] may stay in the current location as storage only and at no time shall be used as habitable space.
- **Urban Forestry**, prepared by Karen DeMaria: A neighboring regulated tree has existing branches sitting on the roof structure. Tree must be properly trimmed prior to work starting on the roof or exterior side of the structure near the tree.

Survey:

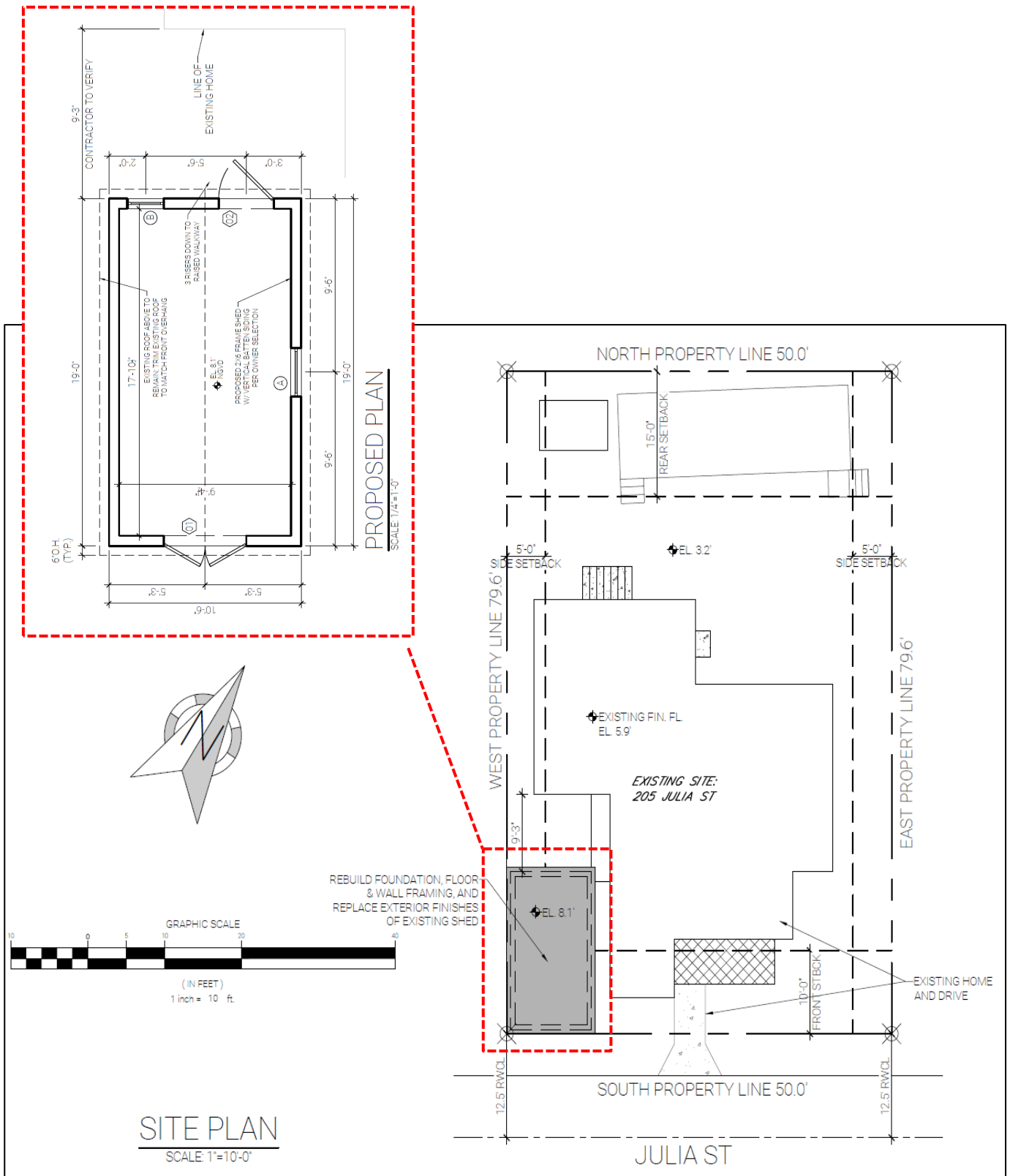
According to the property's survey, a portion of the accessory structure encroaches beyond the property's limits at the southwest corner. The applicant intends to rectify the issue by ensuring the reconstruction is developed entirely within the property limits.

The site's existing building coverage is 1914 SF or 48% of the total lot area, and exceeds the maximum coverage allowed. The impervious surface area is 2017 SF or 50.7% of the site and complies with the LDRs. The site's east side 5 FT. setback is the only setback dimension on the property that complies with the LDRs. The residential unit in the rear of the property is setback approximately 1.5 FT. from the rear property line when the code requires 15 FT. The front and side (west) setbacks are zero due to the location of the accessory structure. For the proposed reconstruction, the applicant is requesting variances for the front and west side yard setback requirements.



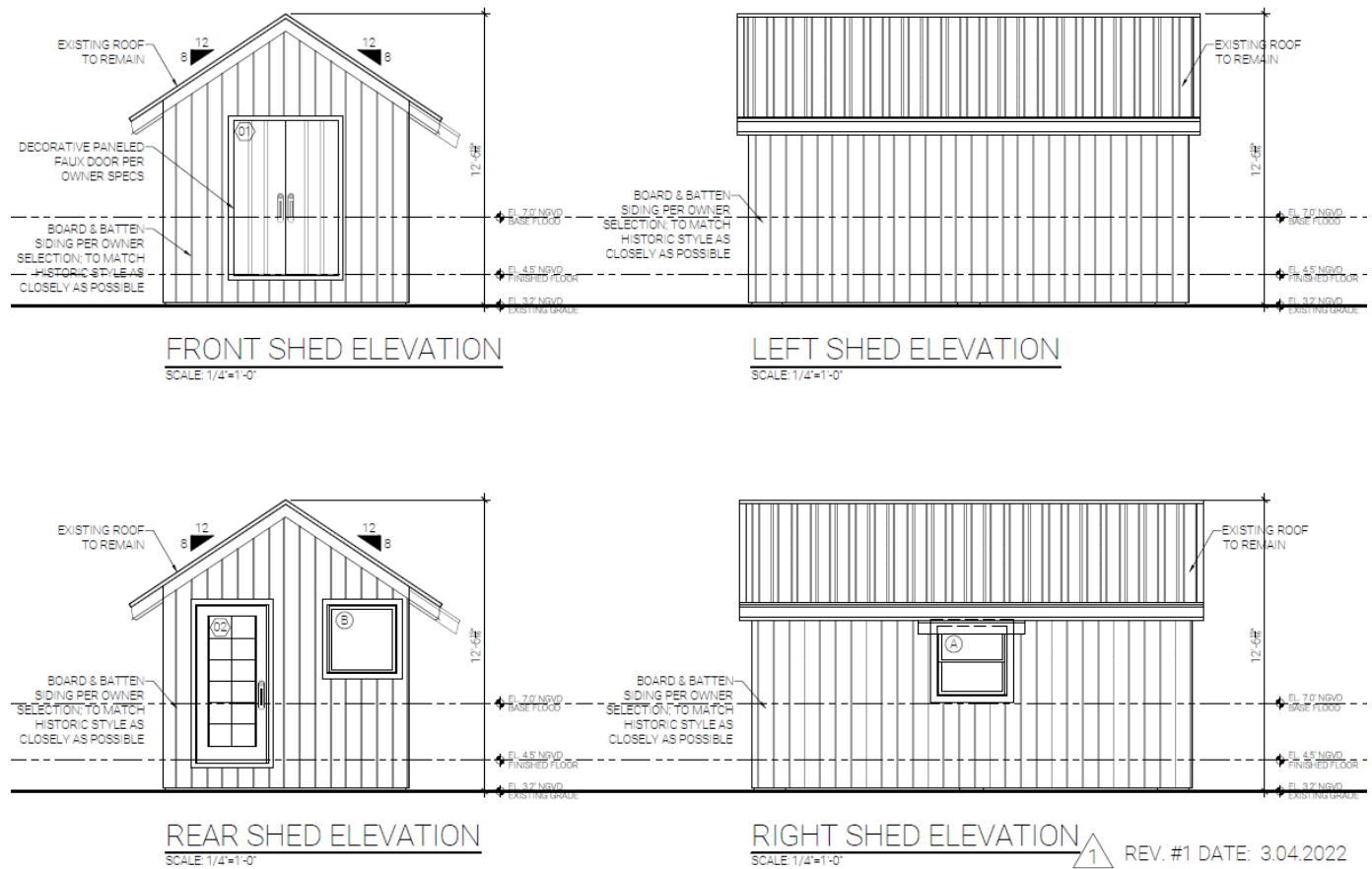
Proposed Site Plan:

The historic accessory structure proposed for reconstruction is demonstrated below and further detailed in application's Site Plan. The existing accessory structure is approximately 200 SF and is proposed to be reconstructed in the same footprint and with the same total area of 200 SF. Due to its location, City staff is recommending a condition of approval that requires the property owner to install gutters along the eaves of the roof, so that rainwater discharges on the subject property.



Proposed Elevations:

The applicant provided the following elevations for the proposed reconstruction. The exterior façade will resemble the former William's Variety Store. The "Front Shed Elevation" fronting Julia Street depicts a faux door as an architectural feature reminiscent of the former retail use. The Applicant proposes to use the reconstructed accessory structure for storage purposes only and will be accessed via the rear elevation.



Site Data Table

205 JULIA STREET (PLANNING STAFF ANALYSIS)				
	CODE REQUIRED	EXISTING	PROPOSED	COMMENTS
Zoning	HMDR			
Flood Zone	AE (7 FT)			
Minimum Lot Size	4,000 SF.	3980 SF.		
Density	1.46 (16 units per acre)	3	3	2 active units, 1 unused
Height of Accessory Structure	30 FT.	11' 10"	12'4"	
Front Setback	10 FT.	0 FT.	0 FT.	Variance Requested
Side Setback (west)	5 FT.	0 FT.	0 FT.	Variance requested
Side Setback (east)	5 FT.	5 FT.	n/a	No Change
Rear Setback	15 FT.	1.5 FT.	1.5 FT.	No Change
Maximum Building Coverage	40% -- 1,592 SF	48% -- 1,914 SF.	48% -- 1,914 SF.	Variance requested 8% -- 322SF.
Maximum Impervious Surface	60% -- 2,388 SF	50.7% -- 2,017 SF.	n/a	No Change

The applicant is requesting variances from the following sections of the City of Key West Land Development Regulations:

- Sec. 122-600(4)(a): Maximum building coverage; 40 percent
 - The historic accessory structure will be rebuilt with the existing dimensions and floor area (approximately 200 SF). The existing and proposed building coverage will remain the same.
- Sec. 122-600(6) Minimum setbacks, Front: 10 FT.; Side: 5 FT.
 - The historic accessory structure will be rebuilt within the same footprint. The proposed front and side yard setbacks are zero.

Process:

Development Review Committee:	N/A
Planning Board:	April 21, 2022
HARC:	TBD
Local Appeal Period:	10 days
DEO Review:	Up to 45 days

Staff Analysis- Evaluation:

The criteria for evaluating a variance are listed in Sections 90-391 through 397 of the City of Key West Land

Development Regulations (LDRs). 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 property located at 205 Julia Street was originally developed in 1923. The accessory shed is a historically designated structure. It was built with a zero front and side (west) setback. The site exceeds the maximum building coverage permitted. The historic accessory structure contributes to the site's noncomplying building coverage. These are special circumstances given that this is a historic structure, the property owner is seeking to reconstruct it for preservation and for storage, and a variance is appropriate to allow for the preservation of the historic store.

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.*

The conditions which the applicant is requesting relief from are not created by the Applicant. The accessory structure is a historically designated structure. The applicant requires the variances in order to rebuild the accessory structure, otherwise it will fall into further disrepair and potentially become a life safety concern.

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.*

Special privileges are not being conferred. It is the policy of the City to encourage that historic resources on private property be protected, preserved, or re-used in a manner sensitive to the historic properties of the site and/or structure (Comprehensive Plan Policy 1A-1.2.10: - Prevent Loss of Historic Structures).

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 historic accessory structure does not comply with setback requirements. The structure also contributes to the site's building coverage, which currently exceeds the maximum allowed. These conditions create a barrier for the property owner to reconstruct and preserve the historic structure without the need of the variances.

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 the minimum required that will make possible the reconstruction of the historic accessory structure. The variances will allow the owner to preserve the historic structure and permit the complying setbacks. Otherwise, the property owner will not be able to reconstruct the structure and it will fall further into disrepair.

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 variance would be in harmony with the general intent of the land development regulations and would not be injurious to the area involved or detrimental to the public interest or welfare. The City's Fire Department reviewed the Applicant's request and advised the accessory structure may only be used for storage. Any modifications to convert the structure to habitable space will result in conflicts with the City's Fire Code. Staff provide a condition of approval to ensure the use remains storage only. Additionally, staff is recommending gutters to minimize any stormwater runoff given the proximity of the subject structure to the adjacent property.

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 the requested variances 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 been fully met by the applicant for the variances 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 variances requested 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 of 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 which is permitted by the comprehensive plan or Land Development Regulations.

RECOMMENDATION:

Based on the existing conditions, the Planning Department recommends to the Planning Board **Approval** of the proposed variances.

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

1. The proposed construction shall be consistent with the plans signed and sealed by William R. Campbell P.E. and dated November 12th, 2021, revised April 1st, 2022.
2. The historic accessory structure may not be converted to habitable space. The historic accessory structure is limited to storage-use only per the structure's S-1 occupancy classification on the site plan signed and sealed by William R. Campbell P.E. and dated November 12th, 2021, revised April 1st, 2022.
3. The property owner shall install gutters along both sides of the roof eaves of the reconstructed accessory structure. The property owner shall ensure the downspout is directed to discharge back onto the property, preferably into a landscaped area.