



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 21<sup>st</sup>, 2022

**Agenda Item:** **Variance -- 1103 Watson Street (RE# 00033480-000000)**- A request for a variance to exceed the allowable maximum building coverage and to exceed the allowable maximum impervious surface ratio for property located within the Historic Medium Density Residential (HMDR) Zoning District pursuant to Sections 90-395 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 construct an additional bathroom at the home. The applicant is requesting variances from the Land Development Regulations for properties zoned HMDR, to exceed the allowable maximum building coverage by 15.5% and the allowable maximum impervious surface ratio by 6.6%.

**Applicant:** Carlos Rojas

**Property Owner:** Joanne Shannon

**Location:** 1103 Watson Street (RE# 00033480-000000)

**Zoning:** Historic Medium Density Residential (HMDR)



1. Subject property limits denoted by light blue line.



2. View of subject property from Watson Street facing northeast.

### **Background/Request:**

The subject property is located at the corner of Watson and Virginia Street within the Historic Medium Density Residential (HMDR) Zoning District. The property is currently improved with a historic one-story frame structure built in 1948 with approximately 775 square feet in finished floor living area, a carport and approximately four (4) sheds. Portions of the home's carport, a concrete block shed, and walls running parallel to the property's rear and street side property lines fall outside of the property limits.

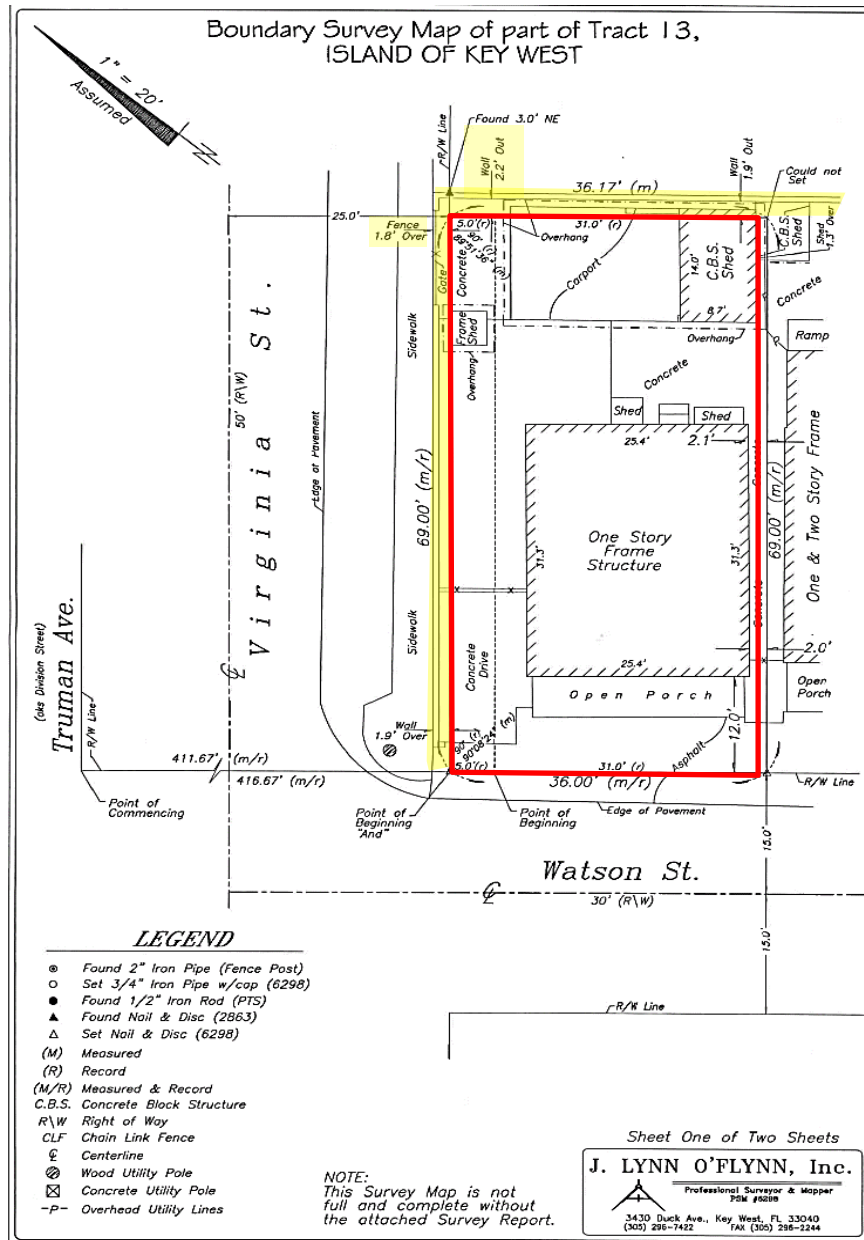
Currently, the two-bedroom home has one bathroom. The applicant is proposing to demolish two sheds and concrete steps that abut the rear of the home to install a bathroom with an area of approximately 82 square feet. The proposed addition complies with the setback requirements in Section 122-600(6) of the Code. However, the bathroom addition increases the building coverage at the site beyond the 40% allowed by Code. The applicant is

also proposing to remove a concrete driveway, replace the concrete with pervious material and convert the area to open space. The replacement of the material and conversion of the space increases the sites open space area and helps reduce the site's impervious surface ratio. However, the site's impervious surface ratio will still exceed the maximum ratio allowed by Code.

### Survey:

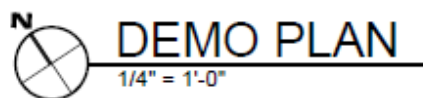
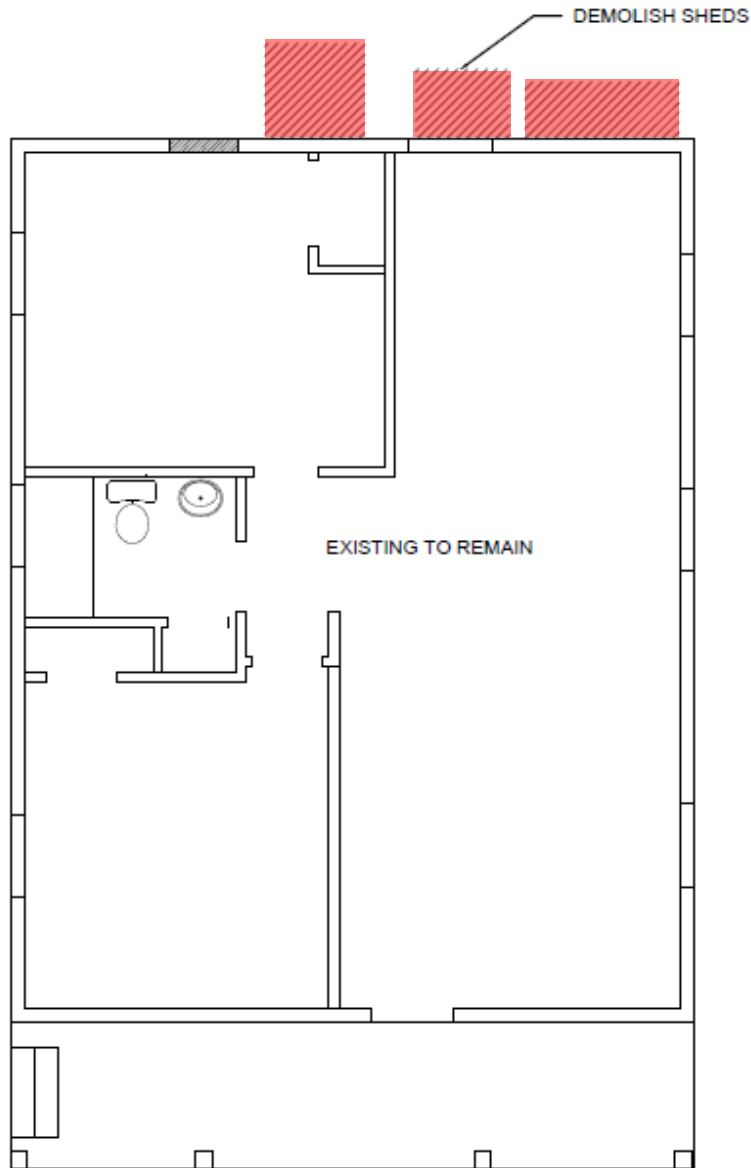
In the survey below, the red line marks the property limits for 1103 Watson Street. There are structures associated with the property that encroach past the property limits. The wall adjacent to the street side yard is approximately 1.9 FT outside of the property line. In the rear, the wall is approximately 2.2 FT outside of the rear property line. Additionally, the structure labeled carport/shed also encroaches beyond the rear property limits by approximately 2.2 F. The structures encroaching beyond the property limits are highlighted on the survey below. Structures that encroach onto the City right-of-way require an easement agreement with the City of Key West.

The site has an existing building coverage of 2,589 SF or 51.3% of the total lot area. The site's existing open space is 855.3 SF or 33% of the site. The impervious surface ratio exceeds the maximum allowed by 9% and covers approximately 1,797 SF or 69% of the total site area.



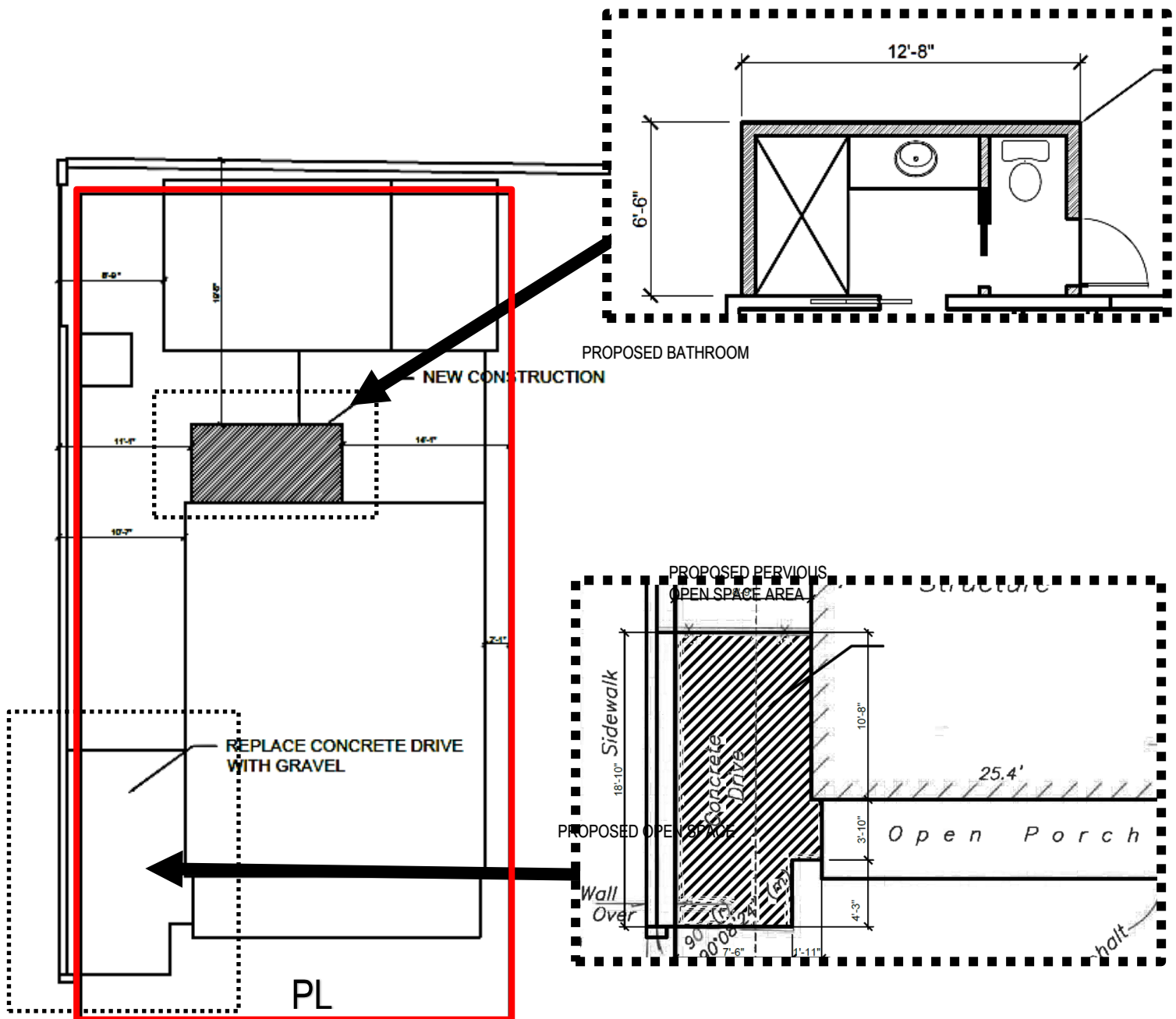
### Demolition Plan

In order to install the proposed bathroom, the Applicant intends to demolish two (2) sheds and one (1) existing staircase abutting the rear of the principal structure. An existing concrete driveway will also be demolished, replaced with pervious material, and converted to open space. The modifications will reduce the site's impervious area by approximately 5.1% and will bring the site's open space area into compliance. The existing open space is 855.3 SF or 33% of the site, and with the modification, will increase to 36.1% or 934.7 SF of the site.



### Proposed Site Plan

In place of the demolished structures in the rear, the applicant is proposing to install an additional bathroom for the home. The new bathroom will have a floor area of approximately 82 SF. and will result in a noncomplying building coverage of 55.5% or 1,380.6 SF. The red line below demarcates the property's boundaries. The bathroom will have a setback of 17.22 FT from the rear property line and a setback of 9.18 FT from the side property line. The Applicant is also proposing to remove an existing concrete driveway and install a pervious surface to improve the lot's impervious area ratio and open space. The proposed impervious surface ratio is 66.6%, where the code permits up to 60%. The proposed open space site area will be 36.1% or 934.7 SF. While on-site parking will be reduced by one space, there is an existing carport in the rear of the property that can accommodate at least one vehicle. The proposed site plan complies with the Section 108-572 which provides that 1 motorized vehicle parking space is required per dwelling unit.



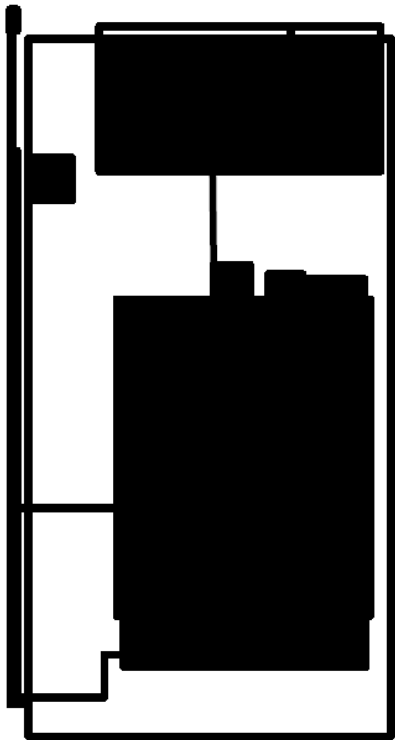
Site Data Table

1103 Watson Street (Planning Staff Analysis)				
	CODE REQUIRED	EXISTING	PROPOSED	COMMENTS
ZONING	HMDR			n/a
FLOOD ZONE	X			n/a
MINIMUM LOT SIZE	4,000 SF.	2, 484 SF.	No Change	Legal nonconforming
HEIGHT	30 FT.	16 FT. 3 IN.	No Change	Complies
FRONT SETBACK	10 FT.	7 FT.	No Change	Legal noncomplying
SIDE SETBACK	5 FT.	2 FT.	No Change	Legal noncomplying
STREET SIDE SETBACK	7.5 FT.	8 FT. 9 IN.	No Change	Complies • Bathroom addition setback 9.18 FT
REAR SETBACK	5 FT.'	0	No change	Legal noncomplying • Accessory Structure encroaches +2.2 FT Outside of the Property Line • Bathroom addition Setback: 17.3 FT
MAXIMUM BUILDING COVERAGE	40% -- 993.6 SF.	53.6% -- 1330.9 SF.	55.5% -- 1380.6 SF.	Variance Request 15.5%, or +387 SF.
MAXIMUM IMPERVIOUS SURFACE	60% -- 1490.4 SF.	72% -- 1791 SF.	66.6% -- 1655 SF.	Variance Request 6.6%, or +164.6 SF.
OPEN SPACE	35% -- 869.4	33% -- 855.3 SF	36% -- 934.7 SF	Complies

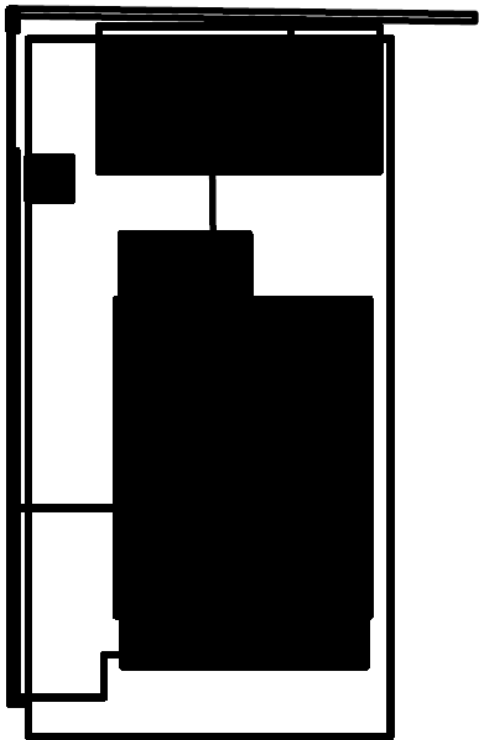
The applicant is requesting the following variances from the City of Key West Land Development Regulations:

- A variance to permit 55% or 1,380.6 SF of building coverage when Section 122-600(4)(a) permits a maximum building coverage of 40 percent
- A variance to permit a 66.6% or 1,655 SF impervious surface Ratio when Section Sec. 122-600(4)(b) permits a maximum impervious surface ratio of 60 percent.

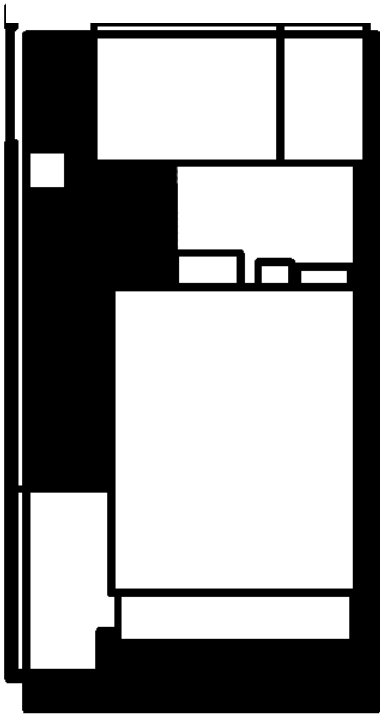
The following diagrams illustrate the variance requests for building coverage and impervious surface:



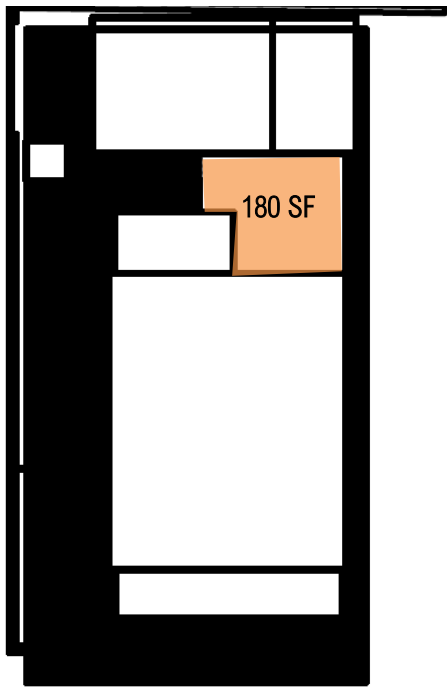
EXISTING BUILDING COVERAGE  
1330.9 SQFT



NEW BUILDING COVERAGE  
1380.6 SQFT



EXISTING PERVIOUS SURFACE  
1797 SQFT OF IMPERVIOUS SURFACE



NEW PERVIOUS SURFACE  
1655 SQFT OF IMPERVIOUS SURFACE

Proc  
Deve

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 parcel located at 1103 Watson Street is approximately 1500 SF less than the 4000 SF minimum lot size required by Code. The existing home and accessory structures exceed the maximum building coverage and maximum impervious area permitted by the LDRs. These conditions are typical for many lots in Key West and do not present a special circumstance for the Applicant's request.

**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.*

The Property's existing lot coverage ratios do not comply with the Code requirements, and the Applicant's proposal increases the deficiencies. The bathroom addition will result in a building coverage of 55.5% of the site. The applicant is, however, proposing to mitigate the existing noncomplying impervious surface ratio by removing the concrete driveway and replacing with a pervious material. The action results in a new site impervious surface ratio of 66.6%. Staff recommends the applicant also remove the existing concrete patio (180 SQ), and replace with a pervious deck or pervious pavers to reduce or eliminate the impervious surface variance.

**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 bathroom addition would increase the site's building coverage to approximately 15.5%, or +387 SF over the permitted 40% (993.6 SF) allowed by Code. While the Applicant proposed to reduce the site's impervious area, it will still exceed the allowances of the Code by approximately 6.6%, or +164.6 SF. The property is already over the allowed building coverage and impervious surface ratio. The Applicant could consider removal of a shed to mitigate the noncomplying building coverage, or can remove the concrete patio in the rear of the property to improve the impervious surface ratio by approximately 180 SF.

**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 is substandard and does not meet the minimum lot size required, which creates limitations for the property owner. However, this condition is prevalent for lots in the historic district.

#### **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 multiple non-complying dimensional standards (building coverage, open space, impervious surface, and setbacks of the principal building and accessory structures) that exist on this property. The variances requested are not the minimum required that will make possible the reasonable use of the land.

In working with the Applicant, consideration has been made to remove the concrete patio in the rear of the property to decrease the impervious surface ratio by approximately 180 SF, and avoid the need for a variance from Section 122-600(4)(b). Refer to the “New Pervious Surface” diagram above for location of concrete patio. Staff is recommending a condition of approval to be incorporated into the resolution.

#### **PARTIALLY 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 variances are in harmony with the general intent of the land development regulations, but have the potential to impact neighboring properties. Granting a variance allowing the site a noncomplying building coverage permits the owner to keep the current structures on the property.

The accessory structure in the rear of the property (labeled carport and CBS shed on the survey) is built to a zero-lot line and further encroaches beyond the property limits by approximately 2.2 FT. Staff is recommending a condition of approval to ensure stormwater is managed appropriately on the site, specifically for the accessory structure. The condition of approval will require the applicant to supplement the accessory structure's roof with rain gutters that discharge onto a landscaped or pervious area within the property's boundaries.

#### **PARTIALLY 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 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 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 **DENIAL** of the proposed variances given that all review criteria have not been met.

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 Carlos O. Rojas Jr, AIA and dated December 8<sup>th</sup>, 2021.

2. The Applicant shall install rain-gutters along the eaves of the roof of the existing accessory structure (labeled carport and CBS shed on the survey). The Applicant shall ensure the downspout is directed to discharge back onto a landscaped swale area.
3. The Applicant shall remove 164 SF of the concrete patio in the rear of the property adjacent to the proposed bathroom addition and replace with pervious material to avoid a variance.
4. The applicant should submit an application for an Easement Agreement with the City of Key West for encroachments on the Virginia Street right-of-way.