

RESOLUTION NO. \_\_\_\_\_

VARIANCE: 1500 REYNOLDS ST

A RESOLUTION OF THE KEY WEST BOARD OF ADJUSTMENT APPROVING WITH CONDITIONS A VARIANCE TO MAXIMUM BUILDING HEIGHT TO ALLOW THE INSTALLATION OF THREE NEW WIRELESS COMMUNICATION ANTENNA ARRAYS AND A NEW 12' X 20' NONHABITABLE EQUIPMENT SHELTER ON THE ROOF OF AN EXISTING HOTEL BUILDING AT A HEIGHT NOT TO EXCEED 53.5 FEET FROM CROWN OF ROAD ON PROPERTY LOCATED AT 1500 REYNOLDS STREET (RE # 00037160-000100; AK # 8735677) WITHIN THE HISTORIC COMMERCIAL TOURIST (HCT) ZONING DISTRICT, PURSUANT TO SECTIONS 90-395, 122-900(3) AND 122-1149 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA

**WHEREAS,** the Key West Board of Adjustment (the "Board") finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district; and

**WHEREAS,** the Board finds that granting the variance requested would not confer upon the applicant special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

**WHEREAS,** the Board finds 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 or undue hardship on the applicant; and

**WHEREAS,** the Board finds that the variance requested is the minimum variance that would make possible the reasonable use of the land, building or structure; and

**WHEREAS,** the Board finds that the grant of the variance would be in harmony with the general intent and purpose of the land development regulations and that such variance would not be injurious to the area involved and otherwise detrimental to the public interest or welfare; and

**WHEREAS,** the Board finds that the applicant cannot make reasonable use of the land, building or structure without the grant of the instant variance; and

**WHEREAS,** the Board finds that the applicant has satisfied the conditions of Section 90-395 of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") and likewise met the requirements established by Code Section 90-274; and

**WHEREAS,** the Board finds that the City previously permitted the placement of similar facilities for other wireless communication providers at the same location that the applicant proposes to situate its new facilities.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Adjustment of the City of Key West, Florida:

**Section 1:** That a variance to the 35-foot maximum

building height allowed within the HCT Zoning District under Section 122-900(3) of the Code of Ordinances of the City of Key West, Florida to the proposed 53.5 feet is hereby approved pursuant to City Code Sections 90-395 and 122-1149.

**Section 2:** That this approval is subject to the following conditions:

(1) This height variance shall only be for the proposed wireless communication facilities as shown on the attached plans by Russell C. Morrison, P.E. Any future increase of height beyond the three-dimensional building envelope would require a new height variance application.

(2) The applicant shall adhere to the recommendations by the Florida State Historic Preservation Office, according to the attached letter dated August 25, 2014. Additionally, in order to further reduce the adverse visual impacts on the historic district, the applicant shall locate the new antennas and equipment shelter as far away from Seminole Avenue as possible, provided the height of the structures is not further increased.

(3) The applicant shall comply with all applicable laws and regulations, including federal requirements pertaining to air traffic safety, wireless communication facilities and Section 106 consultation as required in the National Environmental Protection Act.

**Section 3:** This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Board.

**Section 4:** This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order shall be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 45 days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period, the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Passed and adopted by the Board of Adjustment at a meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Authenticated by the Presiding Officer and Clerk of the Board on \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Filed with the Clerk on \_\_\_\_\_, 2014.

Chairman Craig Cates	_____
Commissioner Teri Johnston	_____
Commissioner Clayton Lopez	_____
Commissioner Mark Rossi	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____
Commissioner Tony Yaniz	_____

\_\_\_\_\_  
CRAIG CATES, CHAIRMAN  
BOARD OF ADJUSTMENT

ATTEST:

\_\_\_\_\_  
CHERY L SMITH, CITY CLERK



## FLORIDA DEPARTMENT of STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

Ms. Jelane Wallace  
Panamerican Consultants, Inc.  
5337 North Socrum Loop Road, Suite 144  
Lakeland Florida 33809

August 25, 2014

RE: DHR Project File No.: 2014-3228/ Received by DHR: July 29, 2014  
Federal Communications Commission  
Proposed Antenna Collocation –The 62335 Casa Marina Collocation  
Casa Marina Hotel Building, 1500 Reynolds Street  
Key West, Monroe County, Florida

Dear Ms. Wallace:

Our office reviewed the referenced project for possible impact to historic properties listed, or eligible for listing, in the National Register of Historic Places. The review was conducted in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, 36 CFR Part 800: Protection of Historic Properties, and the National Environmental Policy Act of 1969, as amended.

We note that the proposed Verizon Wireless antennas and equipment shelter will be placed on the non-historic west wing addition (built 1986) of the Casa Marina Hotel (8MO03180). The hotel is located within the National Register listed Key West Historic District, 8MO01976. Based on the information provided, it is the opinion of this office that the proposed project will have no adverse direct effect on historic properties. In addition, if the following recommendations are followed, it is our determination that there will be no adverse visual effect on historic properties.

- The new antennas are painted to match the existing color of the building.
- The equipment shelter on the roof is painted to match the existing color of the building.
- Photographic documentation of the antennas after installation is submitted to this office.
- Removal of the communication equipment when service is discontinued.
- Restoration of the building (portions altered by this undertaking) when the communication equipment is removed.



Division of Historical Resources  
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399  
850.245.6300 • 850.245.6436 (Fax) [flheritage.com](http://flheritage.com)  
Promoting Florida's History and Culture [VivaFlorida.org](http://VivaFlorida.org)

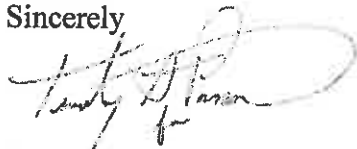


Ms. Janssen  
DHR Project File No.: 2014-3228  
August 25, 2014  
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This office would like to ask that the applicant consider the feasibility of placing the antennas away from the edges of the roof so that they are less visible. Alternatively, mounting the antennas on the side of the building would also make them less visible. If either of these options are feasible, please notify our office and include plans for the new locations for our review and comment.

For any questions concerning our comments, please contact Robin Jackson, Historic Preservationist, by phone at 850.245.6333, or at [Robin.Jackson@dos.myflorida.com](mailto:Robin.Jackson@dos.myflorida.com). We appreciate your continued interest in protecting Florida's historic properties.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert F. Bendus", with a large, loopy flourish extending from the end of the signature.

Robert F. Bendus, Director  
Division of Historical Resources  
and State Historic Preservation Officer

Pc: Enid Torregrosa, Historic Preservation Planner  
Scott Wehmeyer