

**To:** City of Key West Planning Board

**From:** Patrick Wright, Planner II

**Date:** August 20, 2015

### RE: 1404 Olivia Street Request for Modification of Conditions to Planning Board Resolution 2014-43

This request is for a modification of conditions to Planning Board Resolution 2014-43. The applicant has proposed a new design in which they believe, along with the Fire Marshall, will eliminate the need for condition number 5 which states:

5. A fire sprinkler system shall be installed and maintained throughout the entire structure as approved by the City Fire Marshall.

If approved this modification will by default affect condition number 1 which states:

1. The proposed development shall be consistent with the plans dated May 1, 2014.

If approved staff would recommend that condition number 1 be modified to state:

1. The proposed development shall be consistent with the plans dated August 1, 2015.

Planning staff has no recommendation for approval or denial of the request as the modification of the conditions does not affect the scope of the original variance approval or the land development regulations. Staff does however recommend that the Planning Board consider the request with the consideration of the Fire Marshall.



#### PLANNING BOARD RESOLUTION NO. 2015-

A RESOLUTION OF THE CITY OF KEY WEST PLANNING **BOARD MODIFYING CONDITIONS OF PLANNING BOARD RESOLUTION 2014-43 GRANTING WITH CONDITIONS** VARIANCES TO MAXIMUM BUILDING COVERAGE, MAXIMUM IMPERVIOUS SURFACE RATIO, REAR AND **RIGHT-SIDE YARD SETBACKS ON PROPERTY LOCATED** AT 1404 OLIVIA STREET (RE # 00024130-000000; AK # 1024937) IN THE HISTORIC MEDIUM DENSITY **RESIDENTIAL (HMDR) ZONING DISTRICT PURSUANT TO** SECTIONS 90-395, 90-397, 122-600(4)A&B and 122-600(6)B&C OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, the applicant proposes to demolish the existing sheds and build a 1 <sup>1</sup>/<sub>2</sub> story addition to the rear of the structure, as well as construct a deck (under 30 inches) and place mechanical equipment at the rear of the property located at 1404 Olivia Street (RE # 00024130-000000; AK # 1024937); and

WHEREAS, the existing single-family residence is a contributing structure; and

WHEREAS, the structure is located within the front and right-side yard setbacks, and is also

non-conforming to building coverage and impervious surface ratio requirements as permitted in the

HMDR zoning district; and

WHEREAS, Section 122-600 of the Land Development Regulations (the "LDRs") of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that the maximum building coverage is 40%, maximum impervious surface ratio of 60%, minimum rear yard setback is 15 feet and minimum side yard setback is 5 feet; and

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WHEREAS, the proposed building coverage is 50%, impervious surface ratio is 64%, rear yard setback is 10 feet and proposed right-side yard setback is 2 feet 3 inches; and

WHEREAS, the applicant requests variances to maximum building coverage, maximum impervious surface ratio, rear and side-yard setbacks; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on August 20, 2015; and

WHEREAS, the Planning 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 land, structures or buildings in the same district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variances 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; and

WHEREAS, the Planning 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 and undue hardship on the applicant; and

WHEREAS, the Planning Board finds that the variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of the variances will be in harmony with the general intent and purpose of the land development regulations and that such variances will

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not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Planning Board finds that 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 are grounds for the issuance of the requested variances; and

**WHEREAS,** the Planning Board finds 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.

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

**Section 1**. That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** An approval by Resolution of the Key West Planning Board for variances to allow the interior renovation and construction of a 1 ½ room addition per the attached plans signed and sealed on August 1, 2015 by Chris Liddle, Registered Architect, on property located at 1404 Olivia Street (RE # 00024130-000000; AK # 1024937) in the HMDR Zoning District pursuant to Sections 90-395, 122-600(4)a&b and 122-600(6)b&c of the City of Key West Land Development Regulations with the following conditions:

#### **General Conditions:**

- 1. The proposed development shall be consistent with the plans dated August 1, 2015.
- 2. The applicant shall obtain a Certificate of Appropriateness for the proposed development.
- 3. Trees near and within the project area will be protected during construction/demolition. Trees located within the work area that may need to be removed or trimmed may require permits from the Tree Commission.

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#### 4. The attic space will not be used as habitable space.

#### Condition to be completed prior to the issuance of building permits:

- 5. Roof gutter downspouts shall be directed back onto property.
- 6. All swales shall be maintained.

**Section 3.** It is a condition of these variances that full, complete and final application for all conditions of this approval for any use and occupancy for which these variances are wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

**Section 4.** The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

**Section 5.** These variances do not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

**Section 6.** 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 Commission.

**Section 7.** 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 will be rendered to the Florida Department of

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Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for forty five (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 forty five (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.

Read and passed on first reading at a regularly scheduled meeting held this 20th day of August 2015.

Authenticated by the Chairman of the Planning Board and the Planning Director;

Richard Klitenick, Planning Board Chairman

Attest:

Thaddeus Cohen, Planning Director

#### Filed with the Clerk:

Cheryl Smith, City Clerk

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\_\_\_\_Chairman

Date

Date

Date

with the Clerk:

neryi Shinti, City Clerk

## **Modification Request**



Building Green in the Florida Keys

cliddlekw @yahoo.com

To: City of Key West Planning Department

Planning Department: Thaddeus Cohen, Venetia Flowers Fire Department: Daniel Blanco, Fire Chief, Jason Barroso - Fire Marshall HARC: Enid Toregrossa, Kelly Perkins

#### RE: 1404 Olivia - Zoning Variance: Minor Amendment Approval Plan to Reduce Zoning Impact & Move New 2<sup>nd</sup> Floor Walls inside 5' Setback

The growing Key West family of four is seeking a house that will serve them for many years. A new addition at the rear of the Main House is fully permitted at this time.

The subject Property at 1404 Olivia Has received all necessary Variances, HARC COA, HARC Demolition Approval, and Building Department Approval as of December 2014 The Building has approved Variances, COA and Building Plans & changes are minor. Construction is set to begin in the next few weeks, so we would like to fix the problem.

#### Fire Department & Life Safety Approvals

As a condition of the original Variance request, the owners agreed to provide 100% Automatic Fire Suppression for the Home Plans, to create a new 2nd Floor Addition within the 5' zoning setback area.

The approved plan extends the existing 1-Story footprint upwards, to create a new 1½ Story Cape addition. The HARC Board favored this approach and approved our COA & Demolition & rebuild request.

It was suggested by the Fire Marshall, at the time, that we pull the second story inside the Zoning Setback to avoid the new NFPA Sprinkler Requirement. Since the Variances were slated to be approved, and these policy changes came late in the approval process; the owners elected to sprinkler the building and \$10,000 was added to the budget. Numerous attempts were made to procure an affordable system design.

In the end, the actual cost of the installed Sprinkler System has skyrocketed to nearly \$30,000, making this entire plan impractical for cost reasons. We would like to apply for the appropriate remedy at this time, and reduce the non-conformance below regulatory concern. Mechanical equipment will also be moved per KWFD request inside the Zoning Setback and placed next to existing equipment.

#### **Zoning Variance Minor Amendment**

The best way to fix a Zoning issue is to bring the design into more uniform compliance by reducing or eliminating the impacts of non-compliant designs. Most Planners agree with this approach, since reducing non-conformance is preferable to granting variances. This approach often saves unnecessary costs as well, which we are also seeking to do.

In response, the owners have asked me to redesign the addition, moving the new stairway into the center of the existing house & moving the new second floor walls inside the Zoning Setback. This allows us to remove the offending portion of the 2nd Floor area, and build the new addition inside the required 5' Side-Yard setback & 5' NFPA clearances. I believe the KWFD & Planning agree on this approach.

The new building footprint, 1<sup>st</sup> Floor Plan & roof coverage (dripline) remain unchanged. New building footprints were approved based on tax records & historic data. Demolition was approved by HARC to remove & replace existing shed areas. Second Floor Area is reduced by 66SF (25%) and FAR from .64 -.61 Please see Zoning Requirements Chart.

The approved ridge height is to be raised by 2'-4" to allow enough headroom to access the new second floor area. The new roof height is conforming and is well below 30' Max allowable height. All other aspects of the Design are to remain essentially the same. Two new windows were added on the west wall in the rear.

We have met with the Planning Department & talked with the Fire Marshall to initiate the plan changes, we believe are necessary to bring the structure into more uniform compliance with Zoning & NFPA Fire Access requirements. We are now requesting that the Sprinkler System condition be removed from our new Variance Amendment. We believe this more prudent design meets the requirements and spirit of the Zoning & Life Safety codes, and is sufficient to bring the new design below regulatory concern. All new portions will be fully Code Compliant. Once approved, our new plans will be updated for building department review.

The owners have welcomed a second son; since we started the approval process, and construction is slated to begin soon, we are hopeful that re-approval by HARC; and ongoing work can proceed on a timely basis, to help create the family home they desperately need.

Thanks for your all your help,

Chris Liddle, Preservation Architect FL AR 93860



Drawing shows Approved 2<sup>nd</sup> Floor Volume reduced to facilitate Fire Dept. Access



Drawing shows approved addition wall moved inside 5' Zoning Setback Line





Approved Site Plan Shown with 2<sup>nd</sup> Floor Walls moved inside Zoning & NFPA Setbacks



Removing encroaching 2<sup>nd</sup> Floor Building Mass creates 5' clearance for Fire Access



Olivia Street View of Proposed Addition as modified for Variance Amendment



West Elevation shows changes to the roofline & new windows at the rear of building



Revised Plan L1 shows Main House on left & New Addition replacing sheds. Approved Building wall above is moved 3'-4" Shed roofs rebuilt over kitchen area.



Revised Plan L2 shows New Building wall inset 5'-0" from Property Line. Grey Area shows L2 Plan Area removed to bring building envelope inside 5' Setback



Approved Shed-style Dormer in rear is removed as part of the Variance Amendment



The decrease in 2<sup>nd</sup> Floor Building mass on both sides creates a more modest profile

#### **Preservation Notes: General**

- Listed on Historic Resources Index Pre 1954; Possible Contributing Structure
- Does not appear in 1890s Sanborn Maps
- Appears on 1912 Sandborn Map: Main Structure
- Main House Remodeled in 1940s to current 18' x 32'-8" Plus 5' Porch at Street
- Record Plans Show: Rear Sheds Modified Through 1960s into 1970s
- Contributing Structure: Wood-Frame Vernacular Building, Historic Streetscape
- Rear Sheds; Non-Contributing, Non- Conforming, Past Useful Economic Life
- Original Structure may have been moved to this site.
- Sheds in rear are Non- contributing structures due to continuous replacement remodeling, and cobbling of sub- standard materials & deteriorated state

#### **Documentation:**

Historic Survey Page: MO 00724A Pre 1954 Possible Contributing Structure- Wood Frame Vernacular @1906 Sandborn Maps: 1892, 1899, 1912 Aerial View Neighborhood Context: 2014 Record Plans @ 1970s –Ongoing Modifications of rear sheds- Non Contributing Survey- Engineered -Existing Property Record Card Building Photos-Context Photos

Site Plans S1, S2, S3 Architectural Plans: A101- A111



Streetscape: NE View shows scale and proportions of adjacent structures



Views from Olivia St.: House tucks between taller homes & addition & is barely visible





Mass & Scale of addition relates to larger adjacent structures as well as main house



Rooftop Views: Similar roof forms relate to scale of nearby structures & Main House



Building Green in the Florida Keys

cliddlekw @yahoo.com

APPENDIX B: REVISED ZONING REQUIREMENTS CHART Revised July 21, 2015

Property Address: 1404 Olivia Street, Key West FL Zone: HMDR Historic Medium Density Residential

Variance Amendment: Move New 2<sup>nd</sup> Floor Construction inside 5' Zoning Setback Footprint, Dripline & First Floor Plan Not Changed- Ridge Height Increases by 2'-4"

**Revised Site & Structural Design Requirements and Permits:** 

Setbacks: Required	Actual	Prop	osed
Front 10'- 0" Side 1: 5'- 0 " Side 2: 5'-0" Rear: 15'-	@10' Alley 7.5' Side 2.25' (2'-3 @21.5	5'-0" ") No C	hange with Addition hange 5 with Addition
Max Allowable Height 30'		23'-6" Approved Height 25'-10" New Max Height	
Minimum Lot Size 4000SF - Pre-Existing Lot 2195.76SF Lot Size: W-28' D 78.42' = 2195.76SF			
Maximum FAR 1.0	ОК	Appr	oved FAR: .64
Total SF: 1409 (Bldg) /2195.76SF (Lot) =.64 Total SF: 1343 (Bldg) /2195.76SF (Lot) =.61		<b>Revised New FAR: .61</b>	
Maximum Impervious Surfaces 60% Max. Building Coverage 40%		No Change	
Building Area Existing: 1-774SF, 2-90SF, 3-45SF = 909SF			
Approved Total SF: 909 + 200 + 300= 1409SF Revised SF: 909 + 200 + 234= 1343SF			
New Addition Area: 700SF   Proposed: 20'-0" x 20'-10"   Revised: 20'-0" x 17'-6"   1-	1/2 Story Cape 3/4 Story Cape		on Area 624SF F L2= @300SF F L2= @226SF
<b>New Footprint:</b> 9-0""x @16" 2'-6"x @22'		No Change	
TOTAL NEW FOOTPRINT: @200SF Existing Lot Coverage: .41 Building Coverage New Lot Coverage: 50% (.50)			

New Plan Calls for a 2'-4" Higher Roof Ridge Height < 10% Increase New Second Floor is smaller by 66SF a reduction of 22%

# **Planning Board Resolution 2014-43**

#### PLANNING BOARD RESOLUTION NO. 2014-43

A RESOLUTION OF THE CITY OF KEY WEST PLANNING **BOARD GRANTING WITH CONDITIONS VARIANCES TO** MAXIMUM BUILDING COVERAGE, MAXIMUM **IMPERVIOUS SURFACE RATIO, REAR AND RIGHT-SIDE** YARD SETBACKS ON PROPERTY LOCATED AT 1404 OLIVIA STREET (RE # 00024130-000000; AK # 1024937) IN THE HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDR) **ZONING DISTRICT PURSUANT TO SECTIONS 90-395, 122-**600(4)A&B 122-600(6)B&C and OF LAND THE DEVELOPMENT REGULATIONS OF THE CODE OF **ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.** 

WHEREAS, the applicant proposes to demolish the existing sheds and build a 1 ½ story addition to the rear of the structure, as well as construct a deck (under 30 inches) and place mechanical equipment at the rear of the property located at 1404 Olivia Street (RE # 00024130-000000; AK # 1024937); and

WHEREAS, the existing single-family residence is a contributing structure; and

WHEREAS, the structure is located within the front and right-side yard setbacks, and is also non-comforming to building coverage and impervious surface ratio requirements as permitted in the HMDR zoning district; and

WHEREAS, Section 122-600 of the Land Development Regulations (the "LDRs") of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that the maximum building coverage is 40%, maximum impervious surface ratio of 60%, minimum rear yard setback is 15 feet and minimum side yard setback is 5 feet; and

WHEREAS, the proposed building coverage is 50%, impervious surface ratio is 64%, rear

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Vice-Chairman

Planning Director

yard setback is 10 feet and proposed right-side yard setback is 2 feet 3 inches; and

WHEREAS, the applicant requests variances to maximum building coverage, maximum impervious surface ratio, rear and side-yard setbacks; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 24, 2014; and

WHEREAS, the Planning 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 land, structures or buildings in the same district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variances 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; and

WHEREAS, the Planning 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 and undue hardship on the applicant; and

WHEREAS, the Planning Board finds that the variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of the variances will be in harmony — with the general intent and purpose of the land development regulations and that such variances will

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Vice-Chairman

Planning Director

not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Planning Board finds that 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 are grounds for the issuance of the requested variances; and

WHEREAS, the Planning Board finds 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.

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

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. An approval by Resolution of the Key West Planning Board for variances to allow the interior renovation and construction of a  $1\frac{1}{2}$  room addition per the attached plans signed and sealed on May 1, 2014 by Chris Liddle, Registered Architect, on property located at 1404 Olivia Street (RE # 00024130-000000; AK # 1024937) in the HMDR Zoning District pursuant to Sections 90-395, 122-600(4)a&b and 122-600(6)b&c of the City of Key West Land Development Regulations with the following conditions:

#### **General Conditions:**

- 1. The proposed development shall be consistent with the plans dated May 1, 2014.
- 2. The applicant shall obtain a Certificate of Appropriateness for the proposed development.

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Vice-Chairman Planning Director

- 3. Trees near and within the project area will be protected during construction/demolition. Trees located within the work area that may need to be removed or trimmed may require permits from the Tree Commission.
- 4. The attic space will not be used as habitable space.

#### Condition to be completed prior to the issuance of building permits:

- 5. A fire sprinkler system shall be installed and maintained throughout the entire structure as approved by the City Fire Marshall.
- 6. Roof gutter downspouts shall be directed back onto property.
- 7. All swales shall be maintained.

Section 3. It is a condition of these variances that full, complete and final application for all conditions of this approval for any use and occupancy for which these variances are wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

Section 5. These variances do not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

**Section 6.** 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 Commission.

Section 7. This Resolution is subject to appeal periods as provided by the City of Key

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Vice-Chairman Planning Director

West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will 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 forty five (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 forty five (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.

Read and passed on first reading at a regularly scheduled meeting held this 24th day of July 2014.

Authenticated by the Vice-Chairman of the Planning Board and the Planning Director;

Sam Holland, Jr., Planning Board Vice-Chairman

Attest:

### Donald Leland Craig, AICP, Planning Director

Filed with the Clerk:

Cheryl Smith, City Clerk

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Vice-Chairman **Planning** Director

D/5/14 Date

8.5 14

72514









KEYS ARCHITECT- CHRIS LIDDLE 308-797-4162

COLBY HISHER & KATIELEIGH

PLAN LEVEL 2 PLAN 12

JET 14

41.9.8

CHIRIS LIDDLE FL-AR 93860





1.5.3 Der 14









**Chris Liddle** 

Architect 395 707-**416**2 imm cliddlekw@yahop.com Licensed Architect; FL AR 93860 1404 Olivia Street - Key West Florida **Proposed Addition to Residence** Smaller Addition with 2nd Floor Wall Moved **Owners: Colby Fisher & Katie Leigh** Architect: Chris Liddle - 305-797-4162

HARC & ZONING RECORD SET

HARC COMMISSION: AMEND CERTIFICATE OF AUTHORITY FOR APPROVED ADDITION MOVE EXTERIOR WALL & RAISE RIDGE HT 2-4" REMOVE SHED DORMER NEW WINDOWS Date; 8/2/14

Revised 7/1/15

#### HARC & ZONING **RECORD SET**

HARC Approval Zoning Varlance New Condition



