



**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**

To: Chairman and Planning Board Members

Through: Patrick Wright, Planning Director

From: Vanessa Sellers, Planner I

Meeting Date: March 15, 2018

Agenda Item: **Variance – 205-207 Virginia Street (RE # 00026950-000000; AK # 1027740)** – A request for a variance to the maximum allowable building coverage and the required minimum dimensions for off-street parking stalls on property located within the Historic Medium Density Residential (HMDR) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: The applicant is seeking variances to the maximum allowable building coverage and the required minimum dimensions for off-street parking stalls in order to construct two new wood-framed structures with off-street parking stalls smaller than the required minimum dimensions

Applicant: Saddlebunch Investments, LLC c/o Dean Thompson & Louis Paez

Property Owner: Saddlebunch Investments, LLC

Location: 205-207 Virginia Street

Zoning: Historic Medium Density Residential (HMDR) Zoning District



Background:

The property at 205-207 Virginia Street is located between Howe Street and Emma Street and is one lot of record. It is located within the HMDR Zoning District. In 2009, the two structures at 205-207 Virginia Street were demolished by order of the Chief Building Official. Today, the property remains vacant.

The applicant is proposing to construct two new structures: a 2-story three-bedroom/two-and-a-half-bath house and a 1 ½-story two-bedroom/two-bath house. Each unit will have one off-street parking stall as required by Section 108-572, but the dimensions proposed are smaller than the minimum requirements set by Section 108-641.

The proposed architectural design and floor plans were approved by the Historic Architectural Review Commission (HARC) on April 25, 2017.

The following table summarizes the requested variance:

Relevant HMDR Zoning District Dimensional Requirements: Code Section 122-596				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Maximum height	30'	0	(205) 29' / (207) 23"	No
Minimum lot size	4,000 SF	4,346 SF	No Change	No
Maximum building coverage	40%	(vacant lot)	43.36% (1,886 SF)	Yes
Maximum impervious surface	60%	0% (0 SF)	54% (2,328 SF)	No
Minimum open space (residential)	35%	100% (4,346 SF)	47% (2,028 SF)	No
Minimum front setback	10'	(vacant lot)	(205) 15' / (207) 15'	No
Minimum side setback	5'	(vacant lot)	(205) 5' / (207) 5'	No
Minimum rear setback	15'	(vacant lot)	(205) 18' / (207) 20'	No
Parking stall width x length	9' x 18'	(vacant lot)	(205) 7.5' x 15' / (207) 7.5 x 15'	Yes

Process:

Planning Board Meeting:	March 15, 2018
Local Appeal Period:	10 days
DEO Review Period:	up to 45 days

Analysis – Evaluation for Compliance with the Land Development Regulations:

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 of 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.***

Prior to demolition, there were three residential units at this property, and there was no off-street parking. Although the proposed plan will bring the property closer to compliance, the previously existing structures were demolished and this is an entirely new design. It is difficult for staff to find good and sufficient cause that the plans cannot be designed in compliance with the maximum allowable building coverage and minimum dimensions for off-street parking stalls. Therefore, special conditions or circumstances do not exist.

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 applicant is proposing to construct two new residential structures with exterior staircases, two detached A/C pads and decks, and 2 substandard off-street parking stalls. Therefore, the conditions are generated from the specific actions initiated by the applicant.

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.***

Section 122-27 of the Land Development Regulations discourages the expansion of site nonconformities. Therefore, increasing the maximum allowable building coverage and decreasing the minimum dimensional requirements for the off-street parking stalls would confer special privileges upon the applicant.

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

Although the applicant is attempting to rebuild 2 residential structures on a 4,350-square-foot parcel, and the design complies with the minimum setback requirements and the maximum impervious surface allowance, the applicant chose a design that does not comply with the maximum allowable building coverage. In addition, the layout does not allow enough space to comply with the minimum dimensional requirements for off-street parking. Literal interpretation of the provisions of the land development regulations would not deprive the applicant of rights commonly enjoyed by other properties in the Historic Medium Density Residential (HMDR) zoning district under the terms of this ordinance and would not work unnecessary and undue hardship on the applicant.

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.***

The variances requested are not the minimum required that will make possible the reasonable use of the land, building, or structure. However, they are the minimum necessary to accommodate the request.

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.***

Due to non-compliance with all the standards for considering variances, the granting of the requested variances would be injurious to the area involved and otherwise detrimental to the public interest.

NOT 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 public comment for the variance request as of the date of this report.

RECOMMENDATION:

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variances be **denied**.

However, if the Planning Board approves this request, staff would like to require the following conditions:

General Conditions:

1. The proposed development shall be consistent with the plans dated July 5, 2017 by Peter Pike, Registered Architect. No approval granted for any other work or improvements shown on the plans other than the proposed construction of two new residential structures with exterior staircases, two detached A/C pads and decks, and 2 substandard off-street parking stalls.
2. A signed and sealed plan set with the corrected site data table information must be submitted to the Planning Department prior to rendering. Failure to do so will prevent the approval from being rendered, and building permits will not be issued.

Condition required to be completed prior to issuance of a building permit:

3. A Certificate of Appropriateness shall be obtained for the proposed development.

