

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



To: Chairman and Planning Board Members

Through: Patrick Wright, Planning Director

From: Melissa Paul-Leto, Planner I

Meeting Date: March 21, 2019

Agenda Item: **608 Grinnell Street – (RE# 00011150-000000)** – A request for variances to the maximum building coverage, maximum impervious surface, and the minimum open space requirement to construct a deck, pool, water feature, and install pool equipment in the rear yard on property located within the Historic High Density Residential (HHDR) zoning district pursuant to Sections 90-395, 122-630 (4) (a), 122-630 (4) (b), 108-346 (b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: To construct a deck, pool, water feature, and install pool equipment that will require variances to the maximum building coverage, maximum impervious surface, and the minimum open space requirements.

Applicant: Serge Mashtakov, P.E.

Property Owner: Ira C. Waddey

Location: 608 Grinnell Street – (RE# 00011150-000000)

Zoning: Historic High Density Residential (HHDR)



Background/Request:

The property at 608 Grinnell Street is a one-story single-family residence. It is a contributing resource to the historic district and was built circa 1912. The parcel is located within the Historic High-Density Residential Zoning District and is one lot of record.

The applicant is proposing to enclose the side porch, open the back to create a covered back porch, construct decking, a pool, a water feature and to install pool equipment in the rear yard of the property.

The following table summarizes the requested variances.

Relevant HHDR Zoning District Dimensional Requirements: Code Section 122-630				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Lot Size	4,000 square feet	2,092.86 square feet	2,092.86 square feet	Existing Non-conformity In Compliance
Maximum building coverage	50% (1,046.4 square feet)	60.01% (1,259.06 square feet)	61.59% (1,289 square feet)	Variance requested 1.58% (242.6 square feet)
Maximum impervious surface	60% (1,255.7 square feet)	62.46% (1,307.3 square feet)	68.44% (1,432.5 square feet)	Variance requested 5.98% (176.8 square feet)
Minimum open space	35% (732.5 square feet)	37% (785.5 square feet)	22.93% (479.91 square feet)	Variance requested 12.07% (252.59 square feet)
Minimum front setback	10 feet	7 feet 4 inches	7 feet 4 inches	Existing Non-conformity In Compliance
Minimum side setback	5 feet	1 foot 2 inches	1 foot 2 inches	Existing Non-conformity In Compliance
Minimum side setback	5 feet	2 feet 3 inches	2 feet 3 inches	Existing Non-conformity In Compliance
Minimum rear setback	20 feet	17.70 feet	17.70 feet	Existing Non-conformity In Compliance

Process:

Planning Board Meeting:

March 21, 2019

HARC:

TBD

Local Appeal Period:

30 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 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 land, structures and buildings involved are located on the property within the HHDR zoning district. The required minimum lot size in the HHDR zoning district is 4,000 square feet. The 608 Grinnell Street property has a lot size of 2,092.86 square feet. The lot was developed prior to the adoption of the current Land Development Regulations (LDRs).

However, many other land, structures and buildings within the HHDR zoning district were also developed prior to the adoption of the current LDRs. Therefore, there are no special conditions or circumstances that exist that are peculiar to the land, structures or buildings involved.

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 has chosen to construct a deck, pool, water feature, and install pool equipment in a location on the property where it is the only remaining open space on the property.

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.***

Granting maximum building coverage, maximum impervious surface and the minimum open space requirements will confer special privileges to the applicant that is denied by the Land Development Regulations to other lands, buildings or structures in the same zoning district.

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.*

Denial of the requested variance would not deprive the applicant of rights commonly enjoyed by other properties in the Historic High-Density Residential zoning district. It is not a requirement to have a deck, a pool with equipment, and a water feature on your property. Therefore, hardship conditions do not exist.

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 Variance request is 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 not following 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 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 been fully met by the applicant for the variance 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.

Pursuant to Code Section 90-392, in granting such application the Planning Board must make specific affirmative findings respecting each of the matters specified in Code Section 90-394.

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 increases or has the effect of 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 permitted by the comprehensive plan or these LDRs.

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**.

If Planning Board chooses to approve the request for variances, then staff suggests the following condition:

1. The proposed development shall be consistent with the plans dated, March 5, 2019 by Serge Mashtakov, P.E. No approval granted for any other work or improvements shown on the plans other than the proposed construction of the rear deck, a pool, a water feature, and pool equipment.

Conditions required to be completed prior to issuance of a building permit.

2. The owner shall obtain Certificates of Appropriateness for the proposed construction.