



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

To: Chairman and Planning Board Members

Through: Patrick Wright, Planning Director

From: Angela Budde, Planner I 

Meeting Date: June 20, 2019

Agenda Item: **Variance -1515 4th Street (RE# 00063900-000000)** – A request for a variance to the minimum rear setback and maximum building coverage requirements in order to construct an addition and covered porch onto the principal structure for a property located within the Single Family Residential (SF) Zoning District pursuant to Sections 90-395, and 122-238 (4) (a) and (6) (a) (3) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

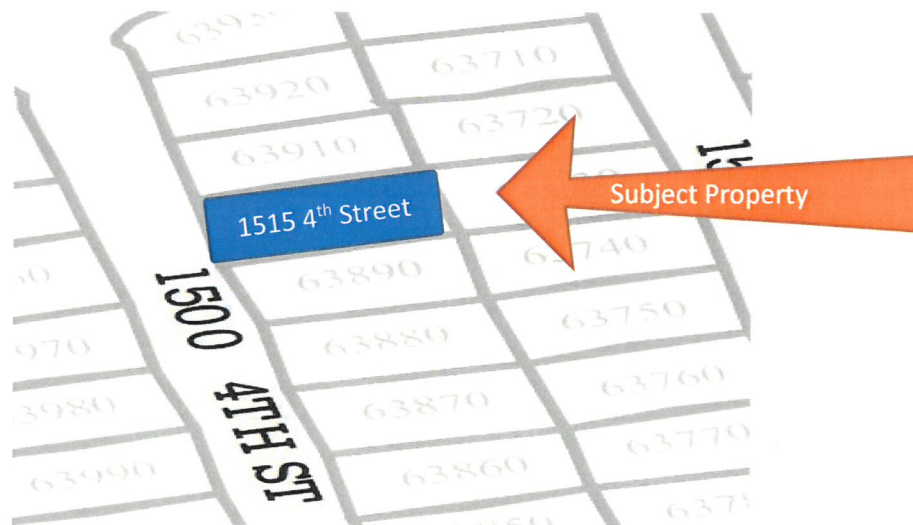
Request: The applicant is requesting Variances to the minimum rear setback and building coverage in order to construct an addition and a covered porch onto the principal structure.

Applicant: Meridian Engineering LLC c/o Richard Milelli

Property Owner: Cherie Audette and Robert Audette

Location: 1515 4th Street (Re# 00063900-000000)

Zoning: Single Family (SF) Residential District



Background/Request:

The property at 1515 4th Street is a one-story home located within the Single-Family Residential Zoning District and is one lot of record. The one-story home is located on Fourth Street between Flagler Avenue and Juanita Lane. The property is not located within the Key West Historic District and it does not contain a contributing structure.

The following table summarizes the requested variances:

Relevant SF Zoning District Dimensional Requirements: Code Section 122-238				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Flood Zone	AE 8			
Maximum height	25 feet + 5 feet non-habitable	11 Feet 6 Inches	11 Feet 6 Inches	No Change, In Compliance
Minimum lot size	6,000 Square Feet	5,184 Square Feet	5,184 Square Feet	No Change, In Compliance
Maximum floor area ratio	N/A	1,362 Square Feet	1,411 Square Feet	No Change
Maximum building coverage	35% (2,100 Square Feet)	31% (1,588 Square Feet)	36.3% (1,884 Square Feet)	Variance Required 1.3% (216 Square Feet)
Maximum impervious surface	50% (3,000 Square Feet)	63.9% (3,314 Square Feet)	56.9% (2,953 Square Feet)	Improving, Non-Conformity In Compliance
Minimum open space	35% (2,100 Square Feet)	36% (1,870 Square Feet)	48.6% (2,523 Square Feet)	In Compliance
Minimum front setback	20 Feet	15 Feet 8 Inches	15 Feet 8 Inches	In Compliance
Minimum right-side setback (South)	5 Feet	9 Feet 6 Inches	20 Feet 10 Inches	In Compliance
Minimum left-side setback (North)	5 Feet	5 Feet 4 Inches	5 Feet 4 Inches	In Compliance
Minimum rear setback	25 Feet	31 Feet 6 Inches	20 Feet 10 Inches	Variance Required -4 Feet 2 Inches

Table showing dimensional requirements

Process:

Planning Board Meeting:

June 20, 2019

Local Appeal Period:

10 days

DEO Review Period:

up to 45 days



Principal Structure

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.***

The land, structure, and building on subject property do not have special conditions or circumstances involved that any other property located within the SF Zoning District possesses.

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 increase the building coverage and the rear setback by adding an addition onto the primary structure. The proposed structure will add a new non-conformity to the property. Therefore, the conditions are generated from specific actions initiated by the applicant due to the nature of the design.

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 122-32 (g) of the Land Development Regulations discourages the creation of new nonconformities. The construction of an addition onto the primary structure within the rear setback 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 hardship conditions do not exist, the applicant states the single bathroom creates a hardship for the family.

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 being in compliance with all of 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, structure, 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 standard 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**.

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

General Conditions:

1. The proposed development shall be consistent with the plans dated, June 6, 2019 by Richard Milelli, P.E. No approval granted for any other work or improvements shown on the plans other than the proposed construction of the addition and covered porch in the rear yard of the property.