

**The City of Key West
Planning Board
Staff Report**



To: Chair and Planning Board Members

From: Melissa Paul-Leto, Planner I

Through: Roy Bishop, Planning Director

Meeting Date: October 17, 2019

Agenda Item: **Variances - 1019 16th Terrace - (RE# 00057420-000000)** – A request for variance approvals for the maximum building coverage and minimum rear yard setback requirements in order to construct a carport in the front yard and construct an addition in the rear yard on property located within the Single Family (SF) zoning district pursuant to Sections 90-395, 122-238 (4)(a), and 122-238 (6) (a) (3) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: To grant variances to allow for the construction of a rear yard addition to the principle structure and the installation of a carport within the front yard.

Applicant: Max Heller

Property Owner: Isabel Marlene Thorn

Location: 1019 16th Terrace - (RE# 00057420-000000)

Zoning: Single Family (SF) zoning district

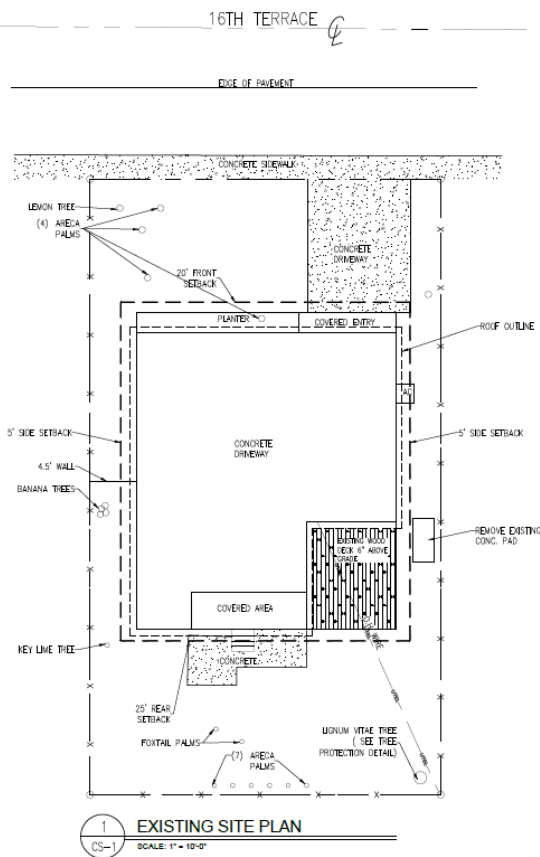
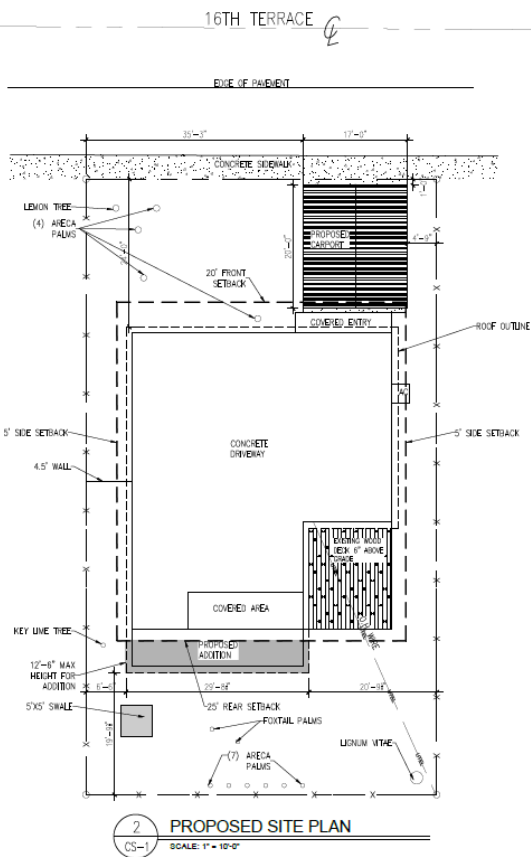


Background:

The subject parcel is one lot of record and is located within the Single-Family zoning district near the corner of 16th Terrace and Northside Drive. The lot includes a one-story single-family structure with a covered rear yard porch.

The applicant is proposing to install a carport and construct an addition to the rear of the principal structure. The proposed carport will be located on top of an existing concrete driveway in the front yard. The proposed addition will expand the existing enclosed storage space and covered porch located within the rear of the house. Presently, the covered porch is open to the outdoors. Once the porch is expanded it will be screened in for insect protection.

The proposed carport and rear addition to the house triggers the need for a building coverage variance as coverage will go beyond the 35% maximum allowed. The proposed expansion of the addition to the rear of the house will encroach into the rear yard setback 5 feet 2 3/8 inches from the minimum 25 feet requiring a rear yard setback variance.



The following table summarizes the requested variances.

Relevant SF Zoning District Dimensional Requirements: Code Section 122-238				
Dimensional Requirements	Required/ Allowed	Existing	Proposed	Variance Required
Minimum Lot Size	5,000 Square Feet	5,700 Square Feet	5,700 Square Feet	
Maximum Height	25 Feet	13 Feet	12 Feet 6 Inches	
Front Setback	20 Feet	24 Feet	24 Feet	
(North) Side Setback	5 Feet	6 Feet 3 ½ Inches	6 Feet 3 ½ Inches	
(South) Side Setback	5 Feet	6 Feet 6 Inches	6 Feet 6 Inches	
Rear Setback	25 Feet	25 Feet 9 ½ Inches	19 Feet 9 5/8 Inches	Yes – The proposed addition encroaches 5 Feet 2 3/8 inches
Building coverage	35% 1,995 Square Feet	35.1% 2,002 Square Feet	44.2% 2,520 Square Feet	Yes – Over 525 Square Feet
Impervious Surface	50% 2850 Square Feet	45.2% 2,579 Square Feet	44.8% 2,554 Square Feet	
Open Space	35% 1995 Square Feet	50.8% 2,899 Square Feet	51.2% 2,923 Square Feet	

Process:

Planning Board Meeting: October 17, 2019

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 in compliance:

- 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 SF zoning district. The required minimum lot size in the SF zoning district is 6,000 square feet. The 1019 16th Terrace property has a lot size of 5,700 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 SF 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 are circumstances that do not result from the action or negligence of the applicant.***

The proposed conditions are created by the applicant. This variance request is a result of the actions of the applicant proposing to construct an addition to the rear of the house and to install a carport in the front yard. The proposed addition will encroach into the required rear yard 5 feet and 2 3/8 inches triggering a rear yard setback variance. The combination of the proposed addition and the carport will result in this parcel's building coverage to be 525 square feet over the maximum allowed in the SF zoning district.

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 the maximum allowed building coverage and required rear yard setback variances for the carport and rear addition 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 provision 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 variances would not deprive the applicant of rights commonly enjoyed by other properties in the SF zoning district. The applicant currently has a covered porch in the rear yard. They could have proposed a retractable awning instead of a permeant roof expansion to not trigger the required rear yard variance. A carport is not considered a requirement within any of the zoning districts of the City of Key west. Therefore, hardship conditions do not exist.

NOT IN COMPLIANCE

5. ***Only the 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 other area involved or otherwise detrimental to the public interest or welfare.***

The applicant is proposing to install a carport to provide shelter for their automobile and addition to the rear principle structure to expand an enclosed storage space as well as expand a covered porch to enjoy the outdoors. The granting of the requested variances would not be injurious to the area involved and otherwise detrimental to the public interest.

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):

Based on comments received through internal departmental reviews, 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:

The standards established by Section 90-395 of the City Code have 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 comments for the variance requests 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 approved this request, staff would like to require the following conditions:

General Condition:

1. The proposed construction shall be consistent with the plans dated July 3, 2019 by Richard J. Milelli, P.E.