

**PLANNING BOARD  
RESOLUTION NO. 2020-19**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A VARIANCE TO THE REQUIRED REAR SETBACK AND AN INCREASE IN ALLOWED BUILDING COVERAGE ON A PARCEL LOCATED AT 825 DUVAL STREET (RE# 00016830-000000) WITHIN THE HISTORIC RESIDENTIAL COMMERCIAL CORE DUVAL STREET OCEANSIDE (HRCC-3) ZONING DISTRICT PURSUANT TO SECTION 90-395 AND SECTION 122-750 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the subject property is located within the Historic Residential Commercial Core Duval Street Oceanside zoning district (HRCC-3); and

**WHEREAS**, pursuant to Section 90-395 and Section 122-750 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”), the applicant filed a variance application encroach into the required rear setback and an increase in the maximum allowed building coverage at a parcel located at 825 Duval Street; and

**WHEREAS**, City Code Section 90-395 outlines the criteria for reviewing a variance application by the Planning Board; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on June 18, 2020; and

**WHEREAS**, the Planning Board found that the proposed variance complies with the criteria in City Code Section 90-395; and

**WHEREAS**, the approval of the variance application will be in harmony with the general purpose and intent of the LDRs, and will not be injurious to the neighborhood, or otherwise

\_\_\_\_\_ Chairman  
\_\_\_\_\_ Planning Director

detrimental to the public welfare.

**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 fully set forth herein.

**Section 2.** That a variance request, pursuant to Section 90-395 of the Code of Ordinances of the City of Key West, Florida is hereby approved as follows: allowing the extension of an awning to encroach into the rear setback and to increase in allowed building coverage at a parcel located at 825 Duval Street (RE# 00016830-000000) with the following conditions:

**General conditions:**

1. The applicant must bring the property into compliance with Planning Board Resolution 2012-40, Resolution 2012-48, and Resolution 2014-03, including but not limited to the installation of six shrubs in the “No Parking Area,” four (4) bicycle spaces, and eight (8) off-street vehicle parking spaces per site plan in Resolution 2012-40.
2. The applicant is to add an additional planter with shrubbery, as identified in Resolution 2012-48 and Resolution 2014-03, in-between Retail Space #2 and Retail Space #3, as well as a planter with shrubbery in-between Retail Space #3 and Retail Space #4.
3. All required landscaping is to be maintained in good health and to be landscaped per the Planting Plan submitted with Resolution 2012-48
4. Fireproofing of the awning material shall be required as approved by the City Fire Marshall and Chief Building Official.
5. The space underneath the awning extension granted in Resolution 2020-19 may not be used for consumption area.

**Section 3.** Full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety and construction shall commence within 12 months after the date hereof.

**Section 4.** This resolution does 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 5.** 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 6.** 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 Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 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 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 18th day of June, 2020.

Authenticated by the Chair of the Planning Board and the Planning Director.

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Sam Holland, Planning Board Chair

Date

**Attest:**

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Katie P. Halloran, Planning Director

Date

**Filed with the Clerk:**

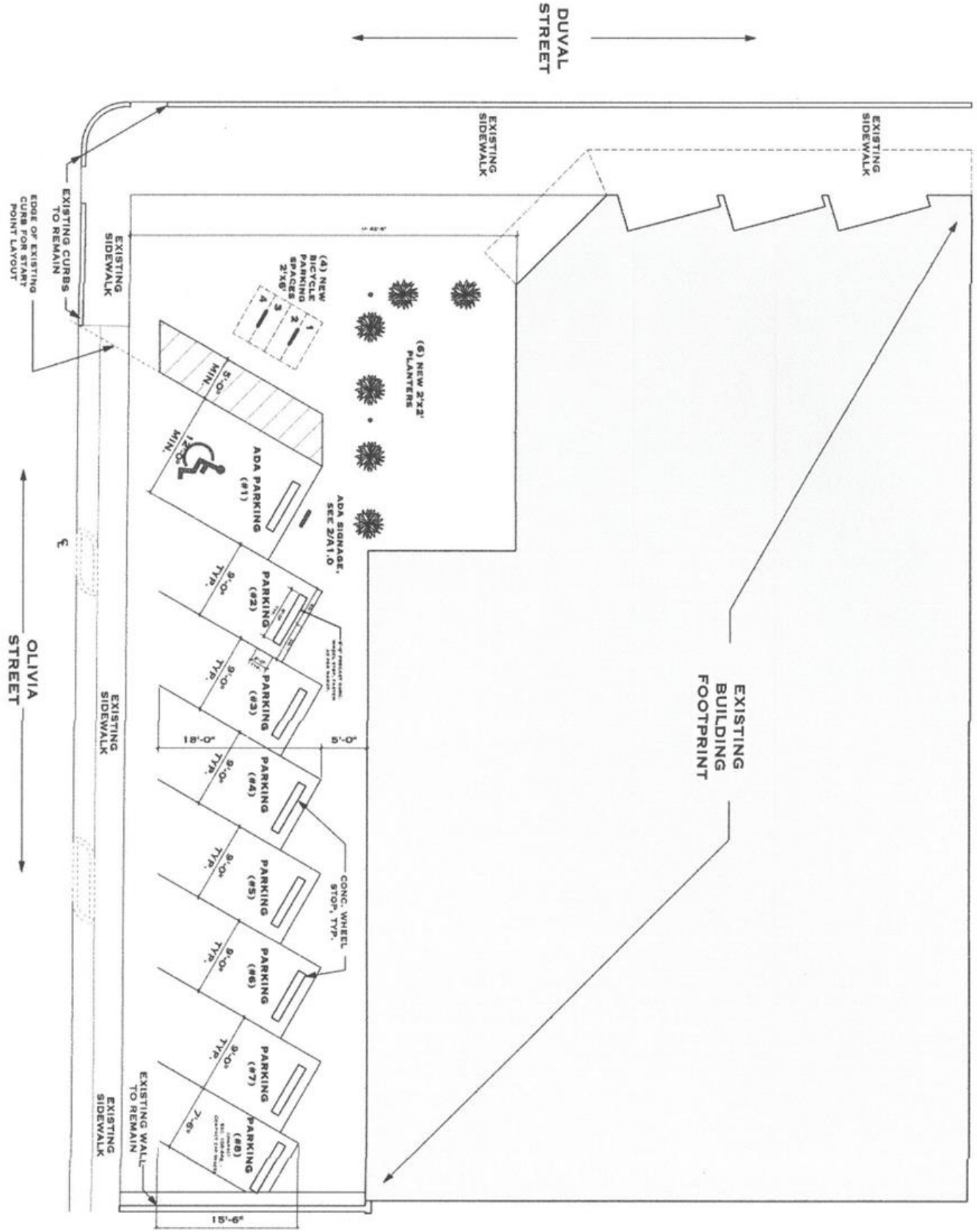
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Cheryl Smith, City Clerk

Date

\_\_\_\_\_ Chairman  
\_\_\_\_\_ Planning Director

1 PROPOSED SITE PLAN - PARKING LAYOUT  
 A1.0 SCALE: 1/8" = 1'-0"



\_\_\_\_\_ Chairman  
 \_\_\_\_\_ Planning Director