

THE CITY OF KEY WEST
PLANNING BOARD
Staff Report



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Melissa Paul-Leto, Planner I

Meeting Date: April 22, 2021

Agenda Item: **Variance – 608 Griffin Lane – (RE# 00011200-000000)** - A request for variances to the minimum side yard setback, and maximum thirty percent rear yard coverage in order to renovate a two-story framed single family house, construct a rear addition, pool house, pool, and a terrace on property located within the Historic High Density Residential (HHDR) zoning district pursuant to sections 90-395, 122-630 (6) b., and 122-1181, of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

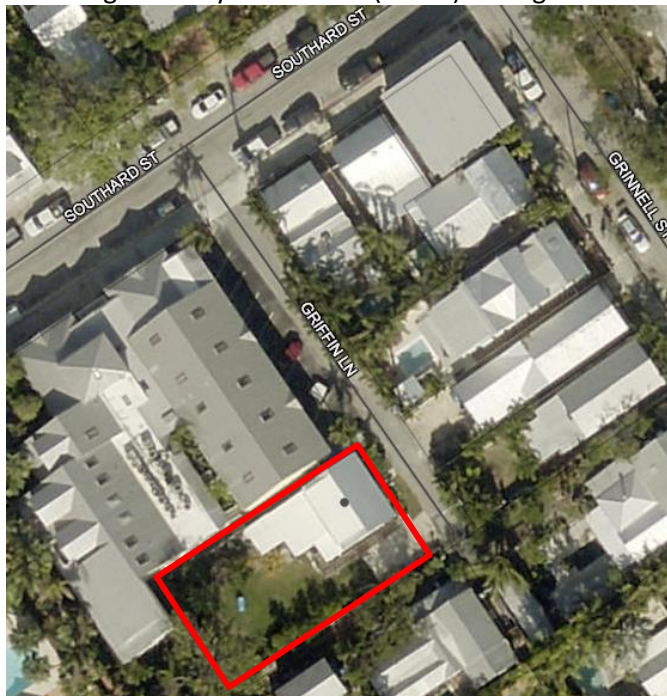
Request: The applicant is proposing to renovate the existing structure, construct a rear addition, a pool house, pool, and a terrace.

Applicant: T. Seth Neal – T.S. Neal Architect, Inc.

Property Owner: Marius L. Venture SR

Location: 608 Griffin Lane – (RE# 00011200-000000)

Zoning: Historic High Density Residential (HHDR) zoning district



Background/Request:

The subject property is located between Grinnell and Margaret Streets. The only way to access the property is from Southard Street through Griffin Lane. 608 Griffin Lane is located at the right side of the end of the Lane. The parcel size is 4,298 square feet and is one lot of record. The two-story framed structure was built circa 1933 and is contributing to the historic district.



608 Griffin Lane - Unknown Historic Photo

Based on the plans submitted, the proposed design would require variances to the following dimensional requirements:

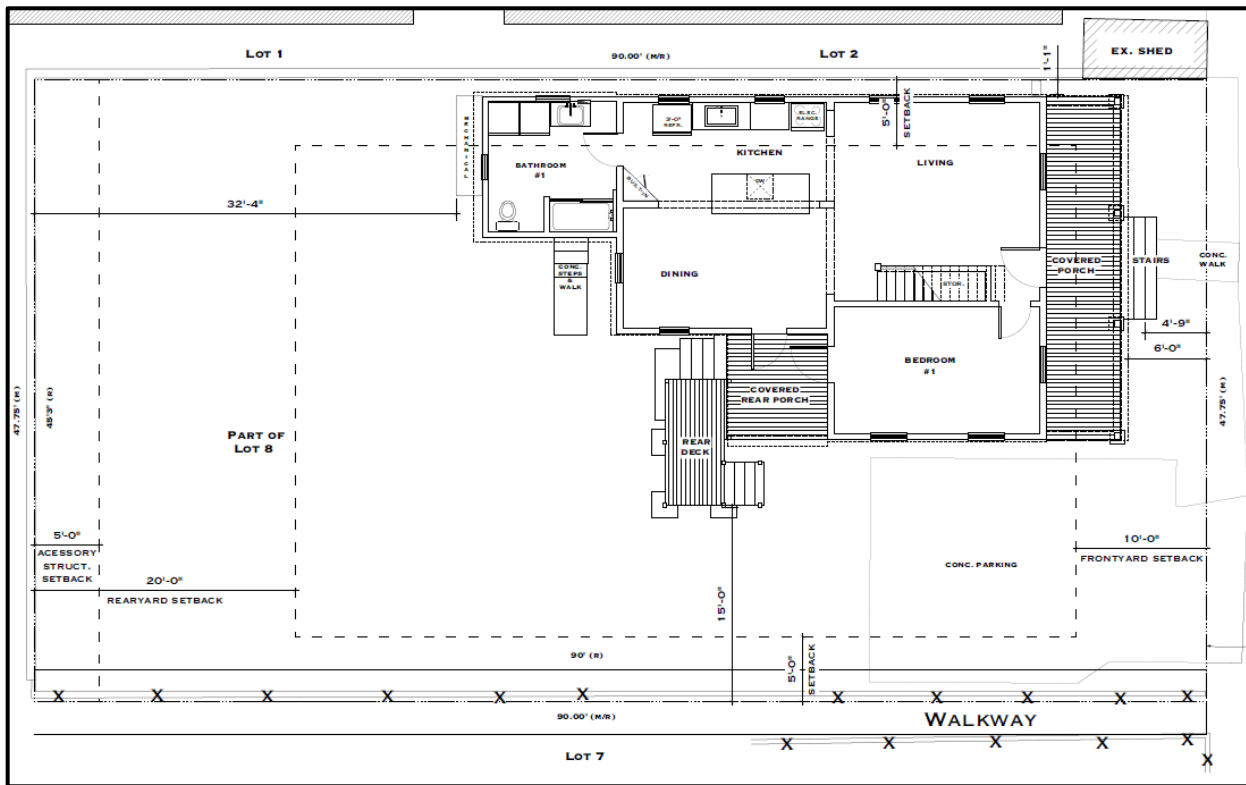
- The required minimum side yard setback in the HHDR zoning district is 5 feet. The existing side yard setback is 1 foot 1 inch. The applicant is proposing 1 foot 1 inch to change the roof to a pitched roof.
- The maximum thirty percent rear yard coverage is 30 percent or 286.5 square feet. The existing is zero. The applicant is proposing 42.4% or 405.3 square feet.

Relevant HHDR Zoning District Dimensional Requirements: Code Section 122-630

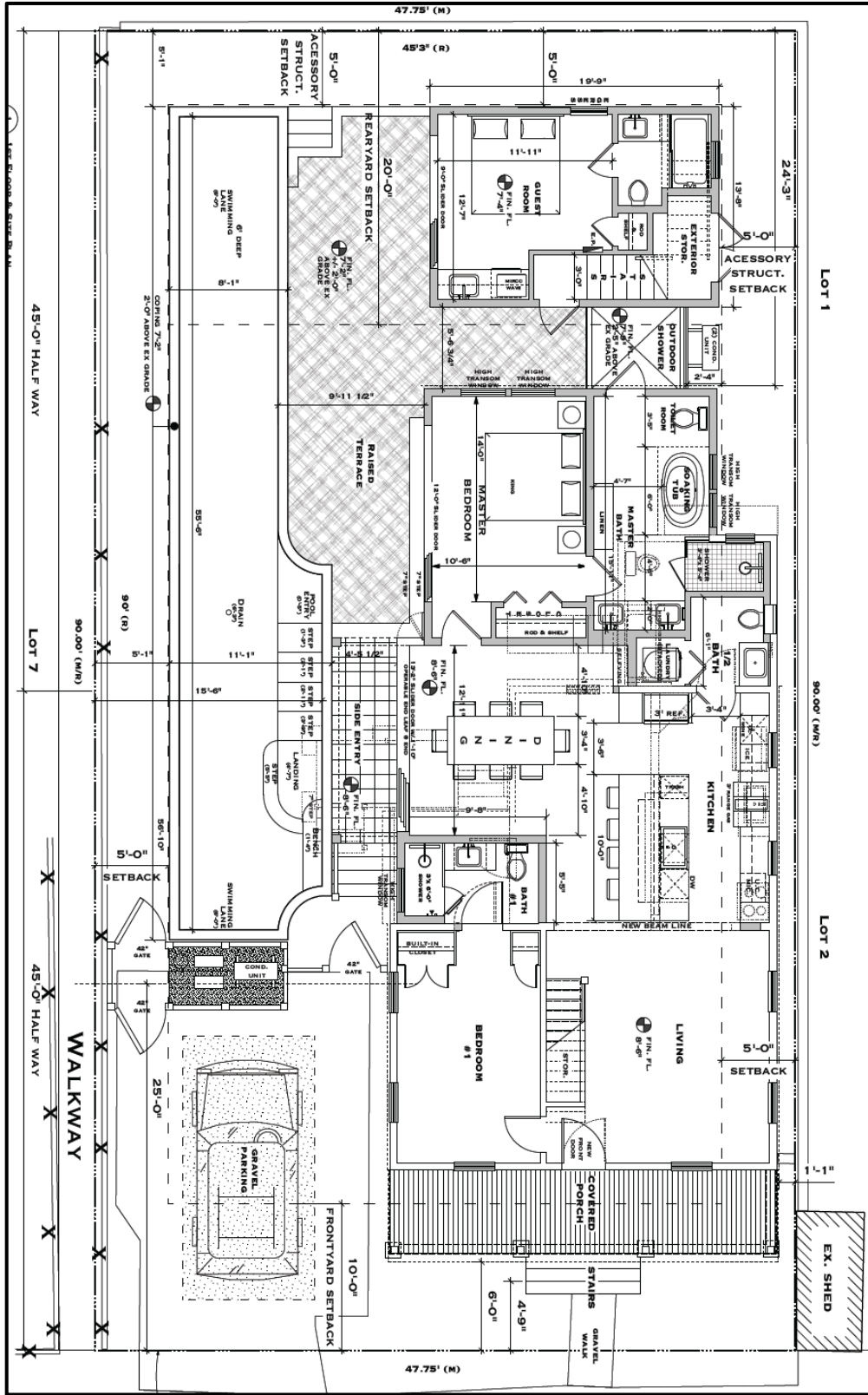
Dimensional Requirement	Required/Allowed	Existing	Proposed	Change / Variance Required?
Flood Zone	X			
Maximum Height	30 feet	23 feet 7 inches	23 feet 7 inches	In compliance
Minimum Lot Size	4,000 SF	4,297.5 SF	4,297.5 SF	In compliance
Maximum Building Coverage	50 % 2,148.75 SF	27.1 % 1,166 SF	43.4 % 1,866 SF	In compliance
Maximum Impervious Surface Ratio	60 % 2,578.5 SF	38.7 % 1,664 SF	59.7 % 2,564.5 SF	In compliance
Minimum Open Space	35 % 1,504.125 SF	61.25 % 2,632.25 SF	36.2 % 1,559 SF	In compliance
Minimum Front Yard Setback	10 feet	4 feet 9 inches	4 feet 9 inches	Existing Nonconformity
Minimum North Side Yard Setback	5 feet or 10 percent of lot width to a maximum of 15 feet, whichever is greater	1 foot 1 inches	1 foot 1 inches	Variance Required -3 feet 11 inches
Minimum South Side Yard Setback	5 feet or 10 percent of lot width to a maximum of 15 feet, whichever is greater	15 feet	15 feet 6 inches	In compliance
Minimum Rear Yard Setback	20 feet	32 feet 4 inches	32 feet 4 inches	In compliance
Maximum Accessory Structure Rear Yard Coverage	30% 286.5 square feet	0%	42.4% 405.3 square feet	Variance Required 12.4% or 118.8 SF



608 Griffin Lane – Site visit on March 24, 2021



608 Griffin Lane – Existing Site Plan



608 Griffin Lane – Proposed Site Plan



608 Griffin Lane – Proposed Side Elevation - Section of Pool

Process:

Planning Board Meeting:	April 22, 2021
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 current lot size is more than the minimum required for the HHDR zoning district. However, the owner could have proposed to construct the addition, pool house, pool, and terrace in compliance with the Historic High Density Residential district’s dimensional requirements. Therefore, there are no special conditions or circumstances.

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.**

This variance request is a result of the actions of the applicant proposing to construct a rear addition to the principal structure, a pool house, a pool, and a terrace on the portion of land where there is currently no rear yard coverage.

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, allowing a roof to be constructed in an area that is already encroaching into the side 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.***

Denial of the requested variance would not deprive the applicant of rights commonly enjoyed by other properties in the HHDR zoning district. The property owner may choose not to construct as much lot coverage in the rear yard and alter the roof line which is encroaching into the side yard setback. 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.

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 may 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:

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 letters of support for the variance requests 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 design shall be consistent with the plans dated, February 23, 2021 by Timothy Seth Neal, R.A.