

THE CITY OF KEY WEST
PLANNING BOARD
Staff Report



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Daniel Sobczak, AICP-C, Planner II

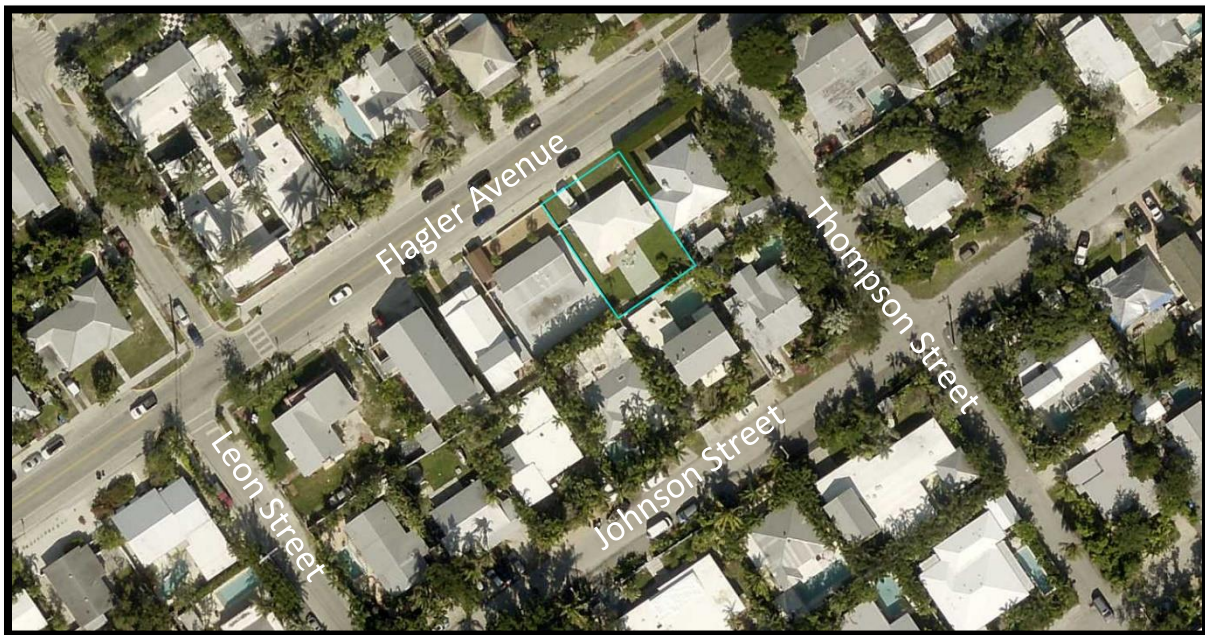
Meeting Date: April 22nd, 2021

Application: **Variance** – 1524 Flagler Avenue (RE# 00062040-000000) - A request for a variance to maximum allowed building coverage, maximum allowed impervious surface, and the minimum required rear setback in order to remodel the single-family structure to construct a carport, and construct a rear addition on a property located in the Single-Family (SF) zoning district pursuant to Sections 90-395, 122-238(4)a., 122-238 (4)b., and 122-238 (6)a.

Request: The applicant is requesting a variance to building coverage, impervious surface, and rear setbacks in order to construct a carport, a rear addition, add accessory structures and remodel the current single-family residence.

Applicant/ Owner: Eleisha Jean Gallant

Location: 1524 Flagler Avenue (RE# 00062040-000000)



Background:

The subject parcel is located at 1524 Flagler Avenue near the corner of Flagler Avenue and Thompson Street. According to the Monroe County Property Appraiser, the current residential structure was constructed in 1963. The structure is of masonry vernacular and is not a historically significant contributing structure. The parcel is surrounded by SF zoned properties in all directions.

The applicant is proposing to construct a carport, convert the garage into living space, remove the rear laundry room and add a rear addition of 650 sqft, more or less, in the required rear setback.

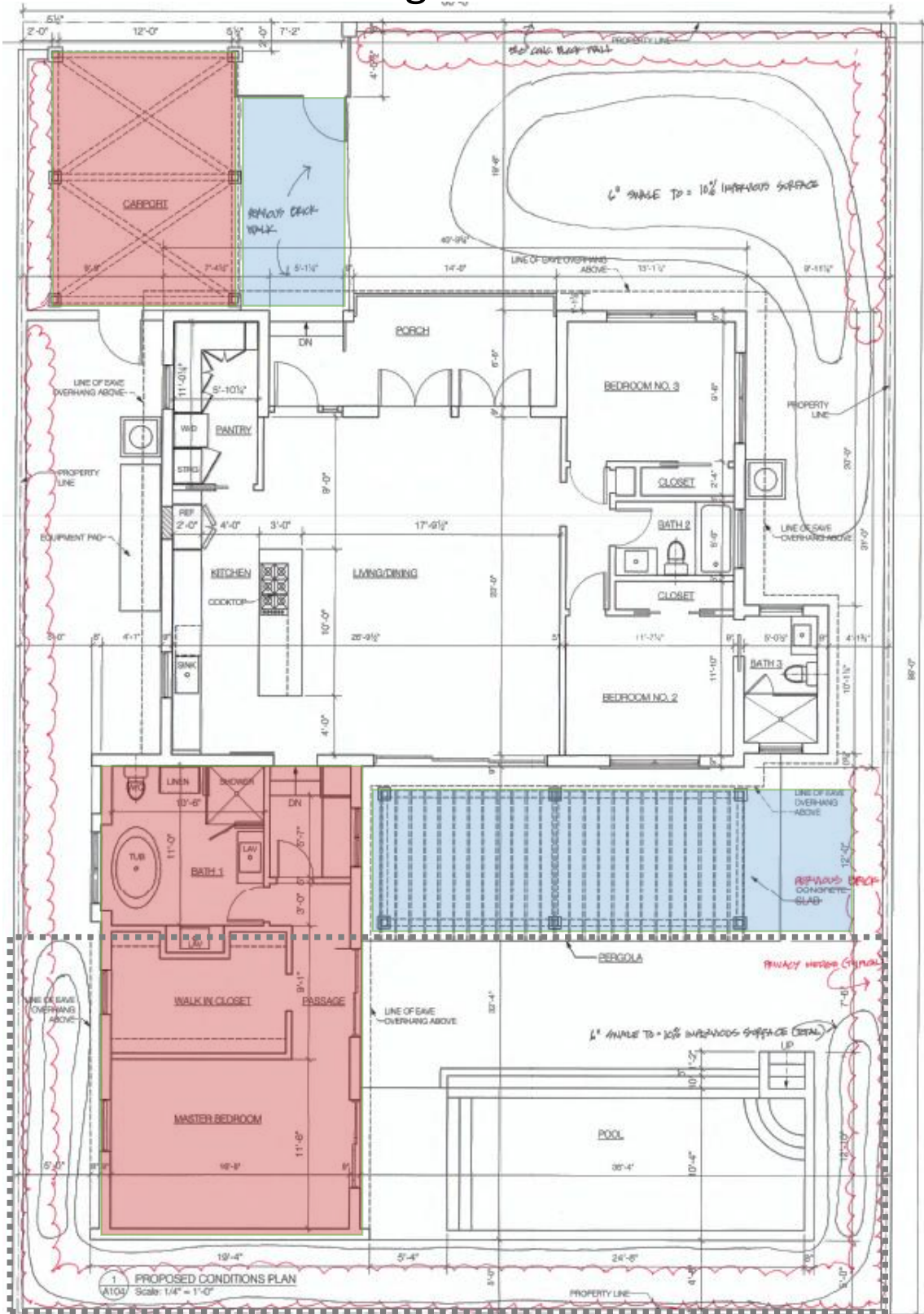
Proposed Development:

The site table below details the current and proposed site data for the property. Three variances are proposed for this development.

Site Data Table				
	Code Required	Existing	Proposed	Variance Request
Zoning	SF			
Flood Zone	AE – 7			
Size of Site	6,000 sqft	5,280 sqft		
Height	30	12'	17	n/a
Front Setback	20-30'*	19'6"	19'6"	n/a
Side Setback	5'	7'	5'	n/a
Rear Setback	25'	30'	5'	20'
Building Coverage	35% -- 1,848 sqft	28% -- 1,477 sqft	43% -- 2,252 sqft	18% -- 404 sqft
Impervious Surface	50% -- 2,640 sqft	46% -- 2,427 sqft	60% -- 3,145 sqft	10% -- 505 sqft
Open Space	35%	n/a	n/a	n/a

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Proposed Site Plans, 1524 Flagler Ave., submitted by applicant
Flagler Ave.



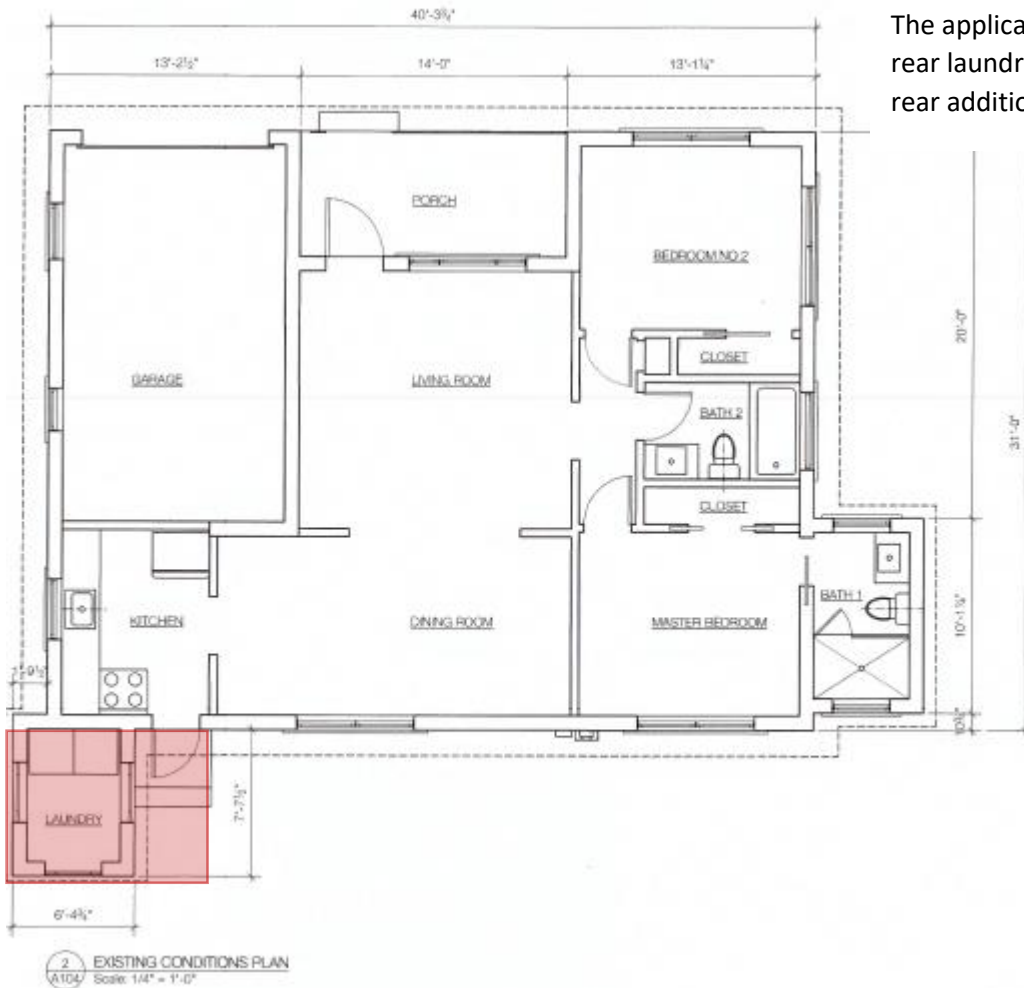
- Proposed new structures
- Front and Rear Setbacks
- Proposed pervious brick

Abutting Property Owner

Abutting Property Owner

1 PROPOSED CONDITIONS PLAN
 Scale: 1/4" = 1'-0"

Existing Site Plans, 1524 Flagler Ave., submitted by applicant



The applicant proposes to remove the rear laundry room in red and construct a rear addition.

Process:

Planning Board Meeting:	Mar. 18 th , 2021 – Postponed due to unforeseen circumstance by applicant which lead to them not being able to make the Planning Board Meeting.
Planning Board Meeting:	April 22 nd , 2021
Local Appeal Period:	10 Days
Planning renders to DEO for review:	Up to 45 days

Staff Analysis - Evaluation:

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 parcel located at 1524 Flagler Ave. is smaller than the code required minimum lot size, the parcel is 5,280 sq.ft. and the minimum size for lots in SF is 6,000 sq.ft. The applicant's current proposed project includes the construction of a carport in the front of the parcel, an addition in the rear of the parcel, and other accessory structures. The lot is of similar size to other Single-Family zoning properties.

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 conditions of the parcel have largely remained the same since the construction of the home. The existing single-family structure currently conforms to the lot. The addition of the rear addition, front carport, and accessory structures (rear deck, pergola, and pool) in the rear of the lot will increase the site's building coverage and impervious surface above the code required maximum for Single-Family residences. The applicant's addition of the rear structure will be in the rear setback, to mitigate for privacy the applicant has agreed to plant privacy landscaping between the rear addition and the property line. The applicant has also agreed to use pervious pavers instead of solid concrete for the new patio and walkway portions.

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.*

The Land Development Regulations require setbacks and limits building coverage and impervious surface in order to ensure life safety, general welfare, health standards, and aesthetics. The rear structure will be constructed within the rear setbacks and the applicant's proposed pool and rear deck raise the parcel's impervious surface and building coverage past the code required maximum. The applicant has agreed to install multiple swales on the property to reduce the risk of flooding from increased stormwater runoff.

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.*

The parcel located at 1524 Flagler Avenue is similar to most lots in the zoning district and is smaller than the 6,000 sq.ft. minimum lot size. The Land Development Regulation's required

setbacks are designed to provide open space around and between structures for health, safety, privacy, and aesthetic purpose. Strict compliance with the minimum setbacks required for the SF zoning district would not pose a significant hardship on the applicant as the applicant, they applicant could move the addition closer to their existing single-family structure. Literal interpretation of the provisions of the Land Development Regulations would not deprive the applicant of rights commonly enjoyed by other surrounding properties under the terms of this ordinance.

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 requested is not the minimum required that will make possible the reasonable use of the land, building and/or structure. It is reasonable that the applicant could amend their plans to fit all or most of the proposed structures within the buildable space of the parcel and outside the required setbacks, as well as reducing the overall size of the structures to meet the code required maximums.

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.*

The variance will not be in harmony with the general intent of the land development regulations, the creation of a rear addition in the rear setback may cause privacy concerns between surrounding property owners. As such the applicant has agreed to planting privacy landscaping along the length of the proposed rear dwelling unit.

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 or utility service 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 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 public comment for the variance request as of the date of this report.



Recommendation:

The proposed construction of a rear living addition, proposed carport, and proposed rear accessory structures will trigger a variance for rear setbacks, an overage in building coverage, and an overage in impervious surface. The property owner has agreed to add landscaping along the length of the new addition on the west and south sides of the property to mitigate potential privacy issues. The applicant has also agreed to swales along the south, east, and north side of the property to mitigate stormwater runoff from excess impervious surface and building coverage. Lastly, the applicant has agreed to use pervious brick for the new patio and walkways. The variance to the minimum required rear setback, maximum allowed building coverage, and maximum allowed impervious surface does not meet the criteria stated in Section 90-395. The Planning Department recommends **denial**.

If the Planning Board chooses to approve the variance, the Planning Department recommends the following conditions:

1. The proposed construction shall be consistent (except for conditions of approval listed below) with the plans submitted and dated 1/08/2021 by Michael Ingram
2. Install and maintain privacy landscaping on the west and south side of the parcel running along the length of the proposed rear addition to be in compliance with the Fire Marshal's office.
3. Install and maintain a swale along the rear and side property lines shown in red on the attached building plans, to offset the 10% of the proposed increase in impervious surface.

- Use pervious pavers, or another semi-pervious material, for the decking around the pool and front walkway
- Install gutters and downspouts on the rear addition and carport that drain into a swale.

-  Proposed landscaping
-  Proposed swale location

