

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 – 2827 Harris Avenue – (RE# 00067390-000000)** - A request for the maximum building coverage, and minimum front yard setback in order to construct a two-story rear addition to a one-story single family house, and a front porch expansion on property located within the Single Family (SF) zoning district pursuant to sections 90-395, 122-238 (4) a., 122-238(4)b., and 122-238 (6) a.1., of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: The applicant is proposing to construct a two-story rear addition and a front porch expansion.

Applicant: Raj Ramsingh

Property Owner: Raj Ramsingh

Location: 2827 Harris Avenue – (RE# 00067390-000000)

Zoning: Single Family (SF) zoning district

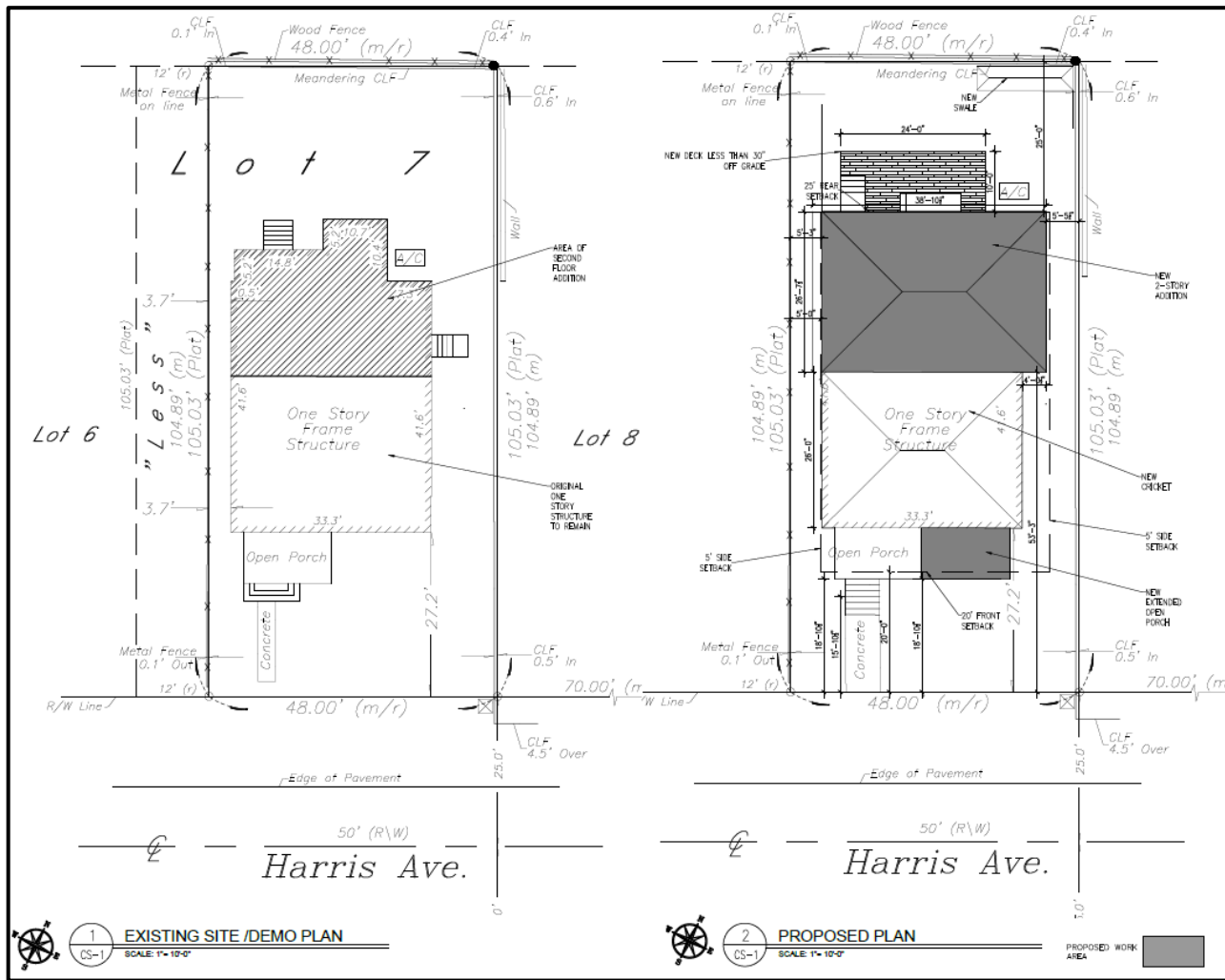


Background/Request:

The subject property is located near the corner of Harris Avenue and 11th Street, facing Harris Street. The parcel size is 5,041 square feet and is one lot of record. The one-story principle structure was built circa 1953 and is below flood. The property owner originally submitted plans with e two-story addition above the primary structure. However, after speaking with the City’s Floodplain Coordinator, the entire building would have to be raised for FEMA compliance as it goes over the 50% reconstruction threshold. The property owner revised his plans. The existing site plan indicates the rear portion of the one-story house would be demolished. The proposed site plan indicates a two-story addition would connect to the front portion of the principle one-story structure. There will be a deck in the rear yard and the front porch facing Harris Avenue will expand further to the right and into the minimum front yard setback. Based on the proposed floor plans, the property owner will block interior access to the one-story principle house. The first phase of this project is to construct the rear two-story addition elevated for FEMA compliance. Once the two-story structure is completed and the family moves in, the property owner will reconstruct and elevate the one-story front portion of the house to FEMA compliance per the proposed elevation.



2827 Harris Avenue existing one-story structure



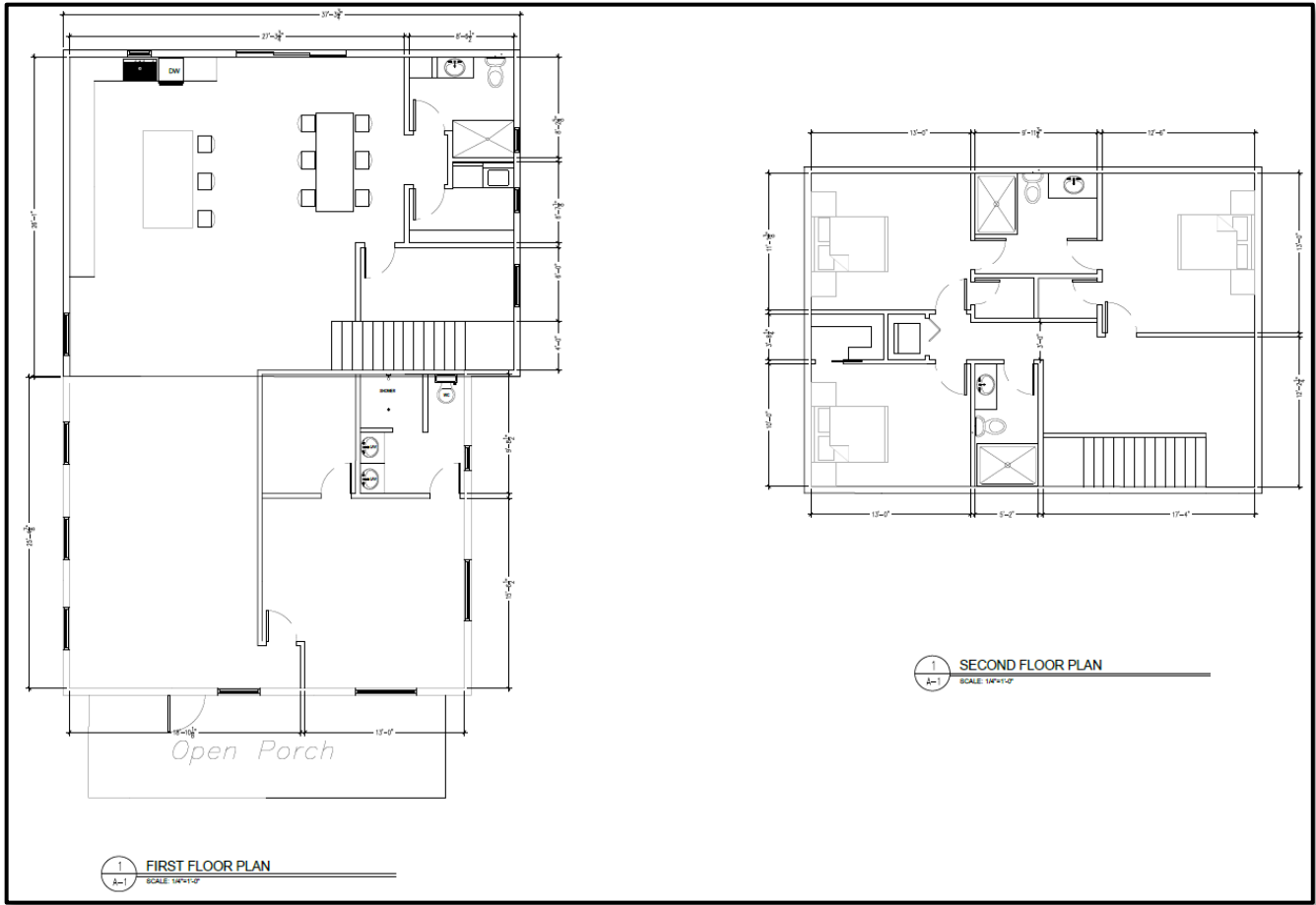
2827 Harris Avenue - Existing and Proposed Site Plans

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

- The required maximum building coverage in the Single-Family zoning district is 35 percent, or 1,762.1 square feet. The existing building coverage on the site is 34 percent, or 1,711 square feet. The applicant is proposing 42.1 percent, or 2,122 square feet.
- The minimum front yard setback in the (SF) zoning district is 30 feet or the average depth of front yards on developed lots within 100 feet each side, but not less than 20 feet. The existing front yard setback is 18 feet 10.5 inches. The applicant is proposing 15 feet 10.5 inches.

Relevant SF Zoning District Dimensional Requirements: Code Section 122-238

Dimensional Requirement	Required/Allowed	Existing	Proposed	Change / Variance Required?
Flood Zone	AE-7			
Maximum Height	25 feet plus an additional five feet for non-habitable purposes if the structure has a pitched roof	18 feet	25 feet habitable space +5 feet for a pitched roof	In compliance
Minimum Lot Size	6,000 SF	5,034.72 SF	5,034.72 SF	Existing non-conformity
Maximum Building Coverage	35 % 1,762.1 SF	34 % 1,711 SF	42.1 % 2,122 SF	Variance Required
Maximum Impervious Surface Ratio	50 % 2,517.3 SF	36.4 % 1,836 SF	44.6 % 2,244 SF	In compliance
Minimum Open Space	35 % 1,762.1 SF	63.5 % 3,198 SF	50.7 % 2,551 SF	In compliance
Minimum Front Yard Setback	20 feet	18 feet 10.5 inches	15 feet 10.5 inches	Variance Required -4 feet 1.5 inches
Minimum NE Side Yard Setback	5 feet	5 feet 3 inches	5 feet 5.5 inches	In compliance
Minimum SW Side Yard Setback	5 feet	5 feet 3 inches	5 feet 3 inches	In compliance
Minimum Rear Yard Setback	25 feet	25 feet	26 feet	In compliance



2827 Harris Avenue – Proposed Floor Plans

Process:

Planning Board Meeting:

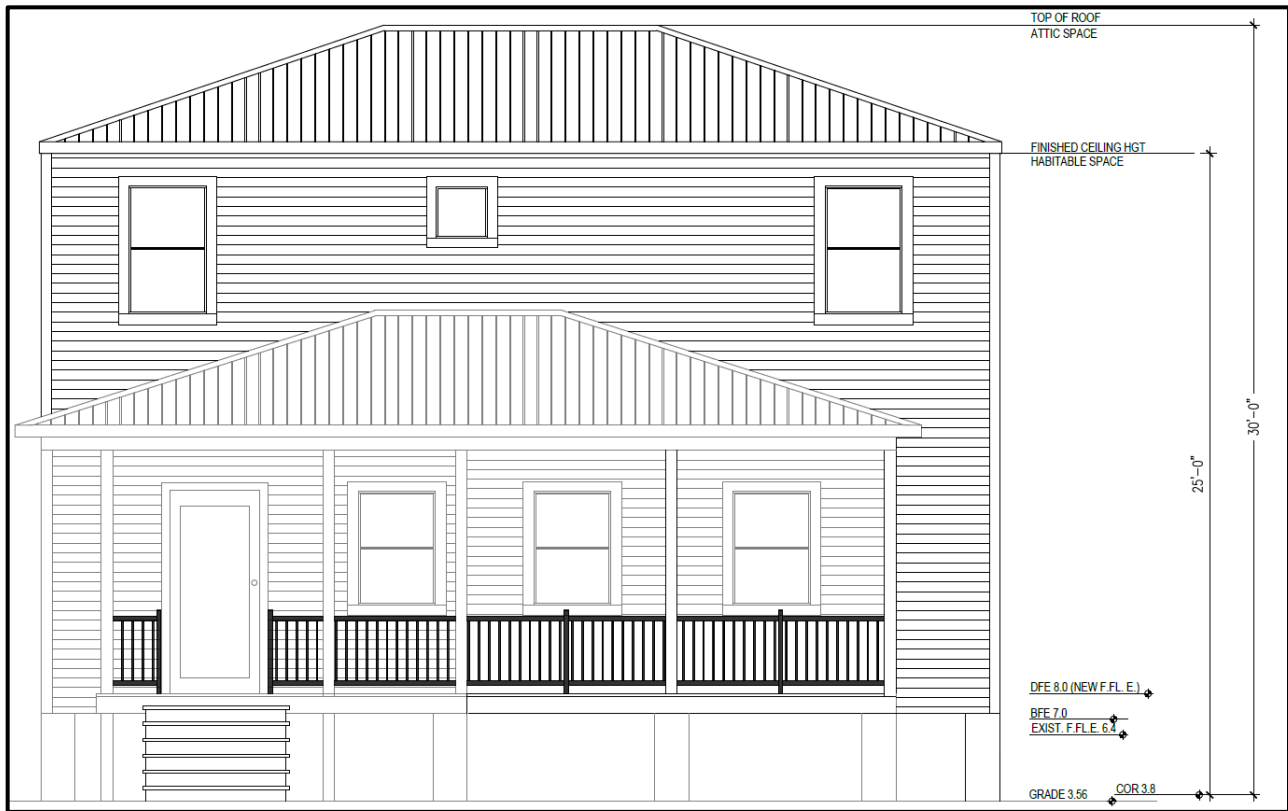
Local Appeal Period:

DEO Review Period:

April 22, 2021

30 days

up to 45 days



2827 Harris Avenue – Proposed Elevation

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 existing dimensions and size of the parcel pre-dates the dimensional requirements of the current LDR's, and therefore is legally non-conforming in the SF zoning district. However, the owner could demolish the existing one-story structure and rebuild in compliance with the Single-Family 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 two-story

read addition with a deck and expand the front porch.

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 the expansion of the front porch roof line that is currently encroaching into the front yard setback, would confer special privileges upon the applicant. In addition, all property owners located within the SF zoning district have a maximum building coverage of 35% and a maximum impervious surface ratio of 50% no matter what size their lot may be. The variance request to go over the maximum building coverage amount allowed, 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 SF zoning district. The property owner may choose to demolish the existing principle structure and construct a new residence that complies with the Single-Family zoning district's dimensional requirements. 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 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, 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 public comments 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**.

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, December 27, 2020 by Richard J. Milelli, P.E.