

**PLANNING BOARD
RESOLUTION NO. 2021-13**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS AN AFTER-THE-FACT VARIANCE TO MAXIMUM ALLOWED BUILDING COVERAGE, MAXIMUM ALLOWED IMPERVIOUS SPACE, MINIMUM REQUIRED OPEN SPACE, AND MINIMUM ALLOWED SIDE SETBACK IN ORDER TO MAINTAIN A NONCONFORMING ACCESSORY STRUCTURE FOR A PROPERTY LOCATED AT 3226 EAGLE AVENUE IN THE MEDIUM DENSITY RESIDENTIAL (MDR) ZONING DISTRICT PURSUANT TO SECTIONS 90-395, 108-346, 122-270 (4).A.1., 122-270 (4).B.1. 122-270 (6).A.2., AND 122-270 (6).A.3.

WHEREAS, the subject property is located within the Medium Density Residential Zoning District; and

WHEREAS, pursuant to Sections 90-395, 108-346, 122-270 (4).a.1., 122-270 (4).b.1. 122-270 (6).a.2., and 122-270 (6).a.3. 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 to maximum allowed building coverage, maximum allowed impervious space, minimum required open space, and minimum allowed side setback at a parcel located at 3226 Eagle Avenue ; 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 April 22 , 2021; and

WHEREAS, the Planning Board found that the proposed variance complies with the criteria


Chairman


Planning Director

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 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: an after-the-fact variance to maximum allowed building coverage (a variance of 26% for a total of 61% of building coverage), maximum allowed impervious space (a variance of 37% for a total of 87% of impervious surface), minimum required open space (a variance of 22.5% for a total of 12.5% open space), and minimum allowed side setback (a variance for 3.3' for total of 1.5' side setback) in order to maintain a nonconforming accessory structure for a property located in the Medium Density Residential (MDR) zoning district pursuant to Sections 90-395, 108-346, 122-270 (4).a.1., 122-270 (4).b.1. 122-270 (6).a.2., and 122-270 (6).a.3. with the following conditions:

General conditions:

1. The proposed construction shall be consistent (except for conditions of approval listed below) with the plans signed, sealed, and dated 8/26/2019 by Serge Mashtakov
2. Landscaping be planted around the structure, between the storage structure and 3228 Eagle Ave.
3. Gutters be placed on the structure and downspouts be added to drain all rain-water runoff into proposed swales.

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.


Chairman


Planning Director

Read and passed on first reading at a regularly scheduled meeting held this 22nd day of April 2021.

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



Sam Holland, Planning Board Chair

5/12/21
Date

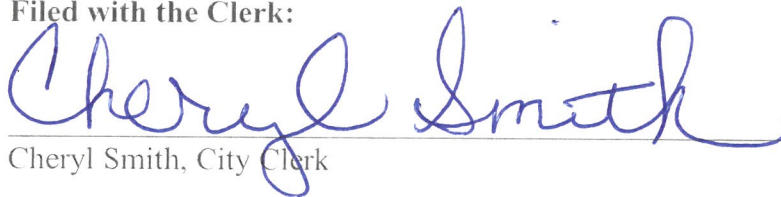
Attest:



Katie P. Halloran, Planning Director



5/11/2021
Date

Filed with the Clerk:



Cheryl Smith, City Clerk

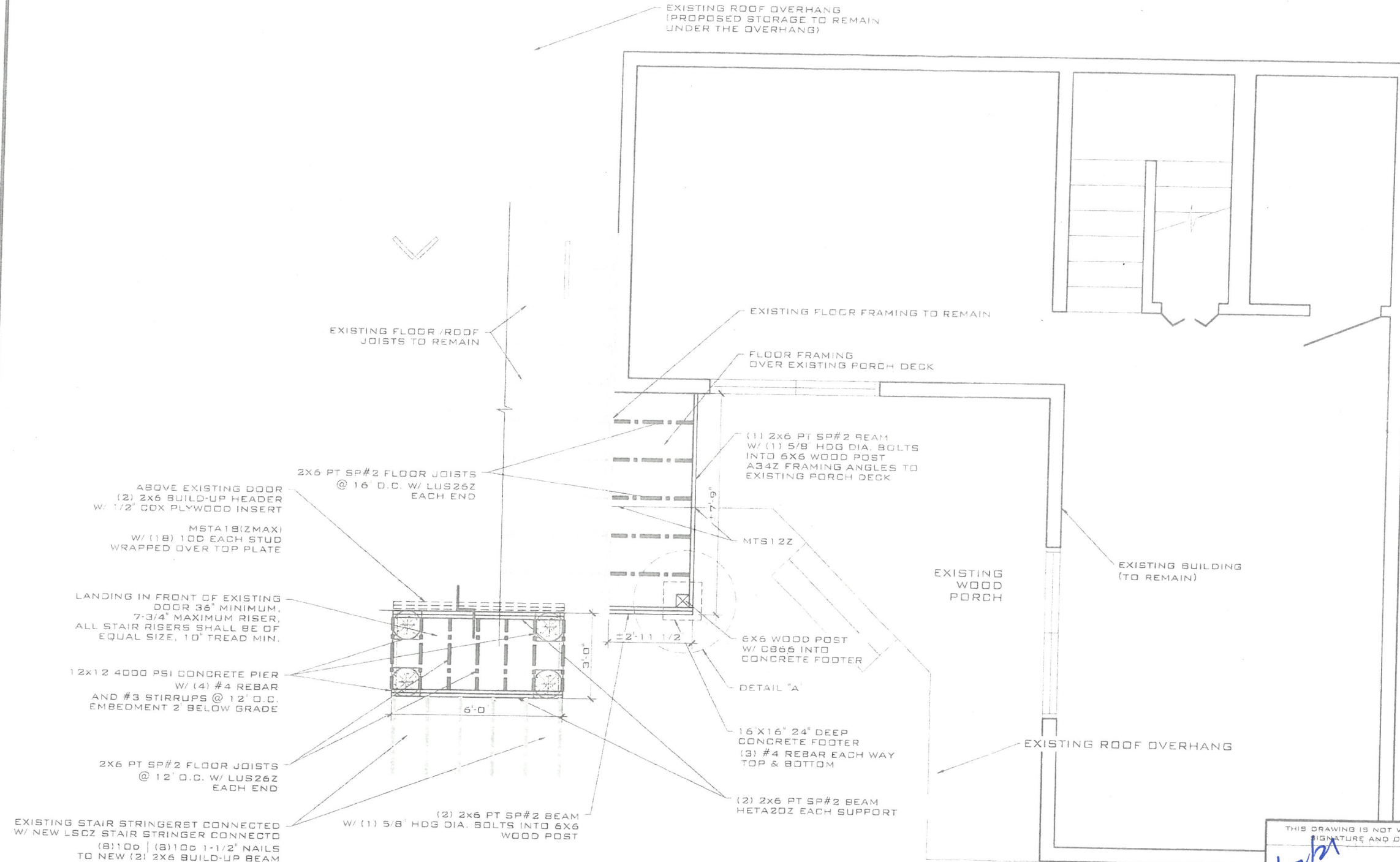
5-12-2021
Date

 Chairman
 Planning Director

EXISTING ROOF OVERHANG
(PROPOSED STORAGE TO REMAIN
UNDER THE OVERHANG)

FIELD COPY FOR INSPECTIONS

PLANS REVIEWED BY BUILDING
I HEREBY AGREE TO COMPLY WITH ALL
ORDINANCES OF THE CITY OF KEY WEST
AND ALL FEDERAL, STATE AND MONROE
COUNTY LAWS WHETHER SHOWN ON THIS
PLAN OR NOT
OWNER/AGENT *[Signature]*



PROPOSED FRAMING IMPROVEMENTS
SCALE: 1/4" = 1'-0"

*call 5/12/21
KPT May 6, 2021*

THIS DRAWING IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL

SIGNATURE: *[Signature]*
DATE: 03/03/2019

SERGE MASHTAKOV
PROFESSIONAL ENGINEER
STATE OF FLORIDA
LICENSE NO 71480

REV.	DESCRIPTION	BY	DATE
	FINAL		

ARTIBUS DESIGN
ENGINEERING AND PLANNING

ARTIBUS DESIGN
3706 N. ROOSEVELT BLVD
SUITE 1-208
KEY WEST, FL 33040
(305) 304-3512
WWW.ARTIBUSDESIGN.COM
CA # 30835

CLIENT: MIROSLAVA PALANSKA
3226 EAGLE AVE
KEY WEST, FL 33040
T: (305) 393-9517

PROJECT: *ALENA LEMBACH*
ADDITION

SITE: 3226 EAGLE AVE
KEY WEST, FL 33040

TITLE: PROPOSED FLOOR PLAN
DIAGRAM

SCALE AT 1/4" = 1'-0"	DATE: 08/26/19	DRAWN: MNS	CHECKED: SAM
PROJECT NO: 1501-05	DRAWING NO: S-101	REVISION: 4	