

THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report



To: Chairman and Planning Board Members

From: Katie P. Halloran, Planning Director

Meeting Date: September 16<sup>th</sup>, 2021

Application: **1012 Howe Street – (RE# 00026830-000000)** – A request for variances to the maximum building coverage, maximum impervious surface, and the minimum open space ratio to construct a detached accessory structure on property located within the Historic Medium Density Residential (HMDR) zoning district pursuant to Sections 90-395, 122-600 (4) a., 122-600 (4) b., and 108-346 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

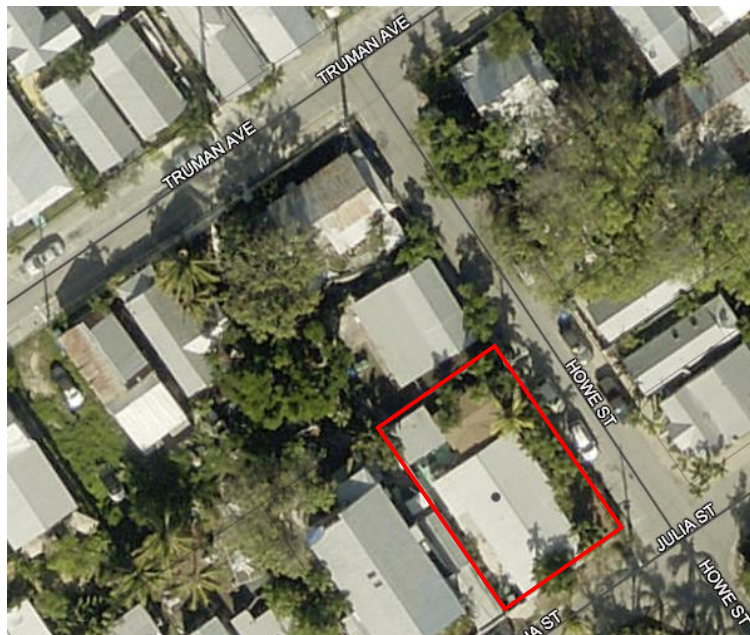
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Request: The applicant is proposing to construct an accessory structure to the side of the property.

Applicant: A2O Architecture, LLC

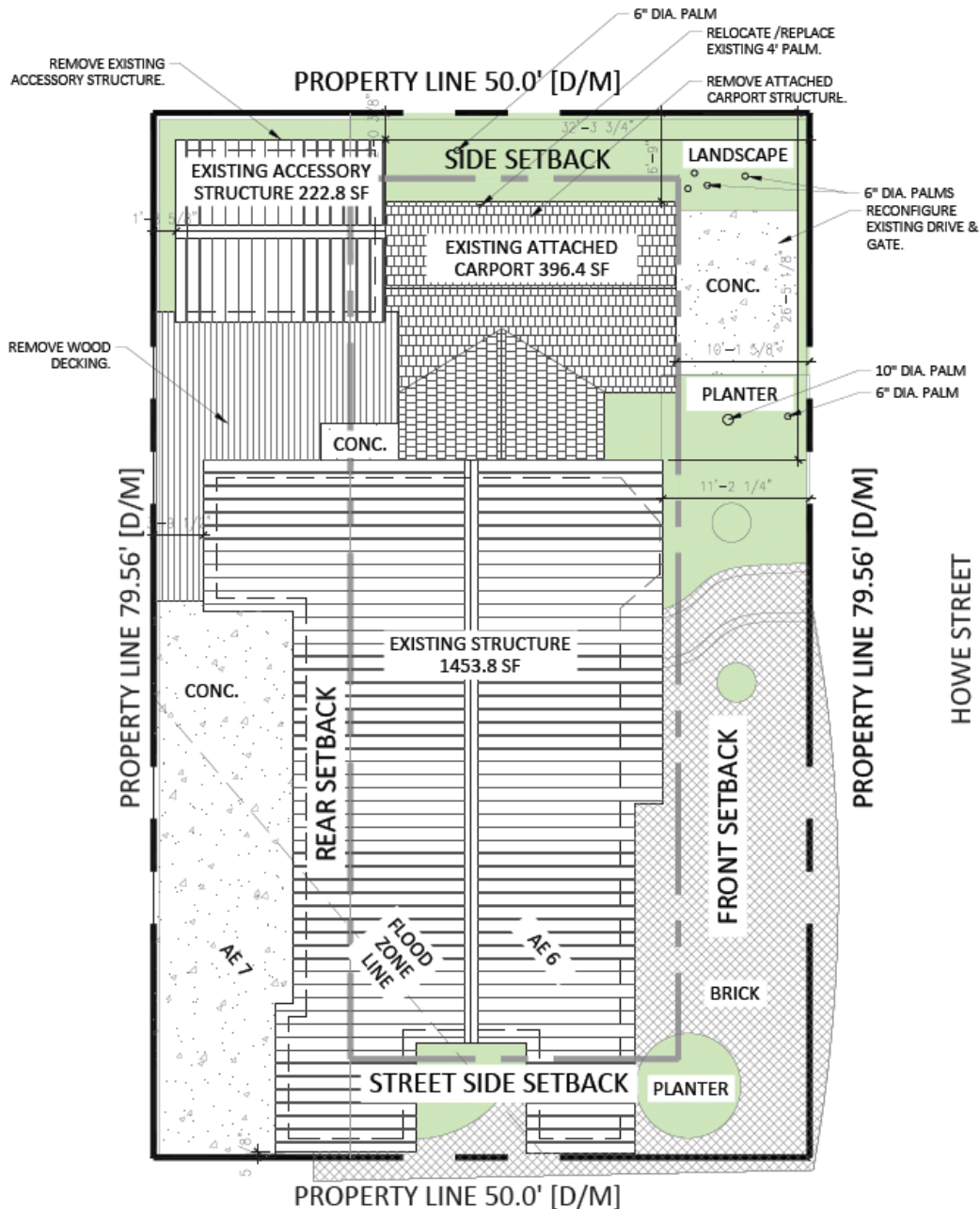
Property Owner: Marva A. Sweeting

Location: 1012 Howe Street – (RE# 00026830-000000)



**Background:**

The subject property at 1012 Howe Street is located on the corner of Howe Street and Julia Street and is one lot of record. The parcel includes the following structures: a 1,453.8 square foot one-story single-family residence, an attached 396.4 square foot carport, and a 222.8 square foot accessory structure. The property is located within the Historic Medium Density Residential (HMDR) Zoning District. The applicant is proposing to remove the existing accessory structure, attached carport, wood decking, and slab of concrete in the driveway. The applicant is requesting to construct a new larger detached accessory structure and a ramp to the side and rear of the property, and install concrete parking strips to create a 9'x18' parking space.



JULIA STREET  
*Existing Site Plan*



EXISTING ACCESSORY STRUCTURE



EXISTING STRUCTURE

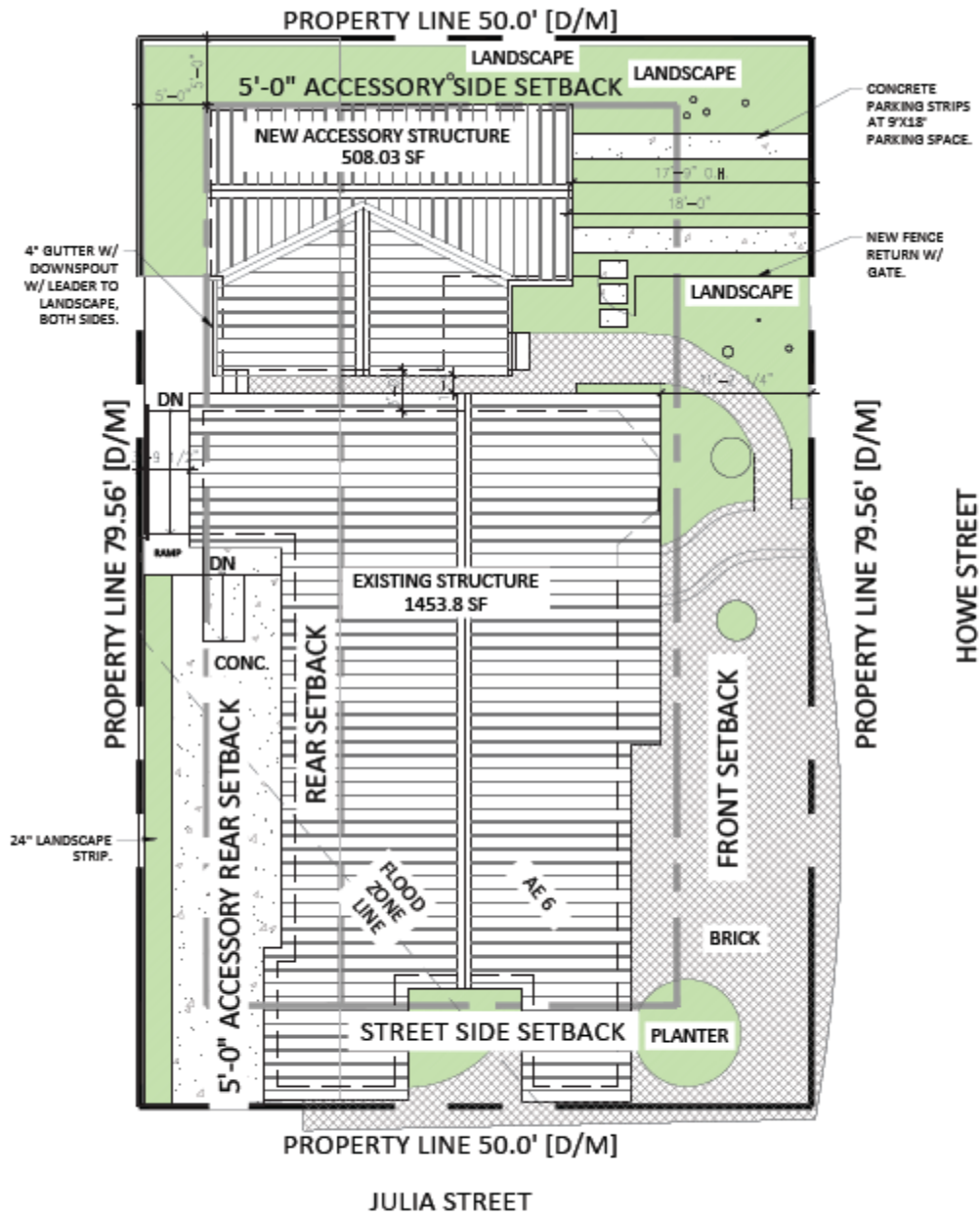


EXISTING CARPORT



EXISTING CARPORT

The photographs above have been provided by the applicant.



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PROPOSED SITE PLAN

SCALE: 1/8"=1'-0"

Proposed Site Plan, revised 8.26.2021



**Proposed Development:**

The site data table below provides the current and proposed site data for the property. One variance is proposed for the expansion of use.

Site Data Table				
	Code Required	Existing	Proposed	Variance Request
Zoning	HMDR			
Flood Zone	AE-6 & AE-7			
Size of Site	4,000 SF	3,978 SF	No change	In compliance
Height	30 feet	14 feet 10 inches	13 feet 9 5/8 inches	In compliance
Front Setback	10 feet	11 feet 2 ¼ inches	No change	In compliance
Side Setback (accessory structure)	5 feet	6 feet 9 inches	26 feet 5 inches	In compliance
Street Side Setback	7 feet 6 inches	5 3/8 inches	No change	In compliance
Rear Setback (accessory structure)	5 feet	1 foot 8 5/8 inches	5 feet 6 inches	In compliance
Building Coverage	40% -- <del>2,362.5</del> 1,591.2 SF	52.11% -- 2,073.04 SF	49.3% -- 1,961.83 SF	9.3% or 370.83 sq/ft
Impervious Surface	60% -- <del>3,543.75</del> 2,386.8SF	82.1% -- 3,268 SF	77.7% -- 3,092.5 SF	17.7% or 705.7 sq/ft
Open Space	35% -- <del>2,067.19</del> 1,392.3 SF	17.8% -- 710 SF	22.3% -- 885.5 SF	12.7% or 506.8 sq/ft

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

- The required maximum building coverage in the (HMDR) zoning district is 40%, or 1,591.2 square feet. The existing building coverage is 52.11%, or 2,073.04 square feet. The applicant is proposing 49.3%, or 1,961.83 square feet. The applicant has proposed to reduce the noncompliance of this standard by approximately 3%.
- The required maximum impervious surface ratio in the (HMDR) zoning district is 60%, or 2,386.8 square feet. The existing impervious surface ratio is 82.1%, or 3,268 square feet. The applicant is proposing 77.7%, or 3,092.5 square feet. The applicant has proposed to reduce the noncompliance by approximately 4%.
- The minimum open space ratio is 35%, or 1,392.3 square feet. The existing open space ratio is 17.8%, or 710 square feet. The proposed open space ratio is 22.3%, or 885.5 square feet. The applicant has proposed to improve the noncompliance of this standard by approximately 4%.

**Process:**

Planning Board Meeting:	September 16 <sup>th</sup> , 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 existing dimensions and size of the parcel as well as the structures pre-date the dimensional requirements of the current Land Development Regulations, and therefore were legally non-complying in the HMDR zoning district. However, the applicant is removing the existing carport, accessory structure, wood decking, and a portion of concrete from the driveway to construct a ramp and a new accessory structure. The proposed design could be altered to further reduce the number of variances required. There are no existing special conditions or circumstances which are peculiar to the land, structure, or building involved which are not applicable to other land, structures, or buildings in the same zoning district.

**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 variance request is a result of the actions of the applicant's proposal to construct a ramp, and a new accessory structure on the property.

**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 property is currently nonconforming with the maximum building coverage, maximum impervious surface, minimum open space, and maximum rear yard coverage. The proposed design would reduce some of the dimensional standard noncompliance by approximately 3%. However, a proposed accessory structure is not a requirement in the HMDR zoning district.

**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 HMDR zoning district. The property is currently nonconforming with the maximum building coverage, maximum impervious surface, and minimum open space. 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 variances requested are not the minimum required that will make possible the reasonable use of the land, building and/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 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 submitted public comment for the variance request as of the date of this report.

#### **Recommendation:**

The variance request to the minimum parking requirements 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:

**General Conditions:**

1. The proposed design shall be consistent with the plans signed, sealed, and dated, September 14, 2021 by Aileen Osborn, A2O Architecture, LLC.
2. For proposed removal or transplanting of onsite regulated palms or trees, the property owner must submit applications and receive appropriate permits from the City of Key West Urban Forester.
3. Install gutters and direct downspouts to a landscaped areas to minimize off-site stormwater runoff.
4. The proposed accessory structure may not be used as a dwelling unit for individuals not part of the principal structure's household and may not install a full kitchen. There is no BPAS unit associated with the proposed detached accessory structure.