



**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Angela Budde, Planner I

Meeting Date: June 18, 2020

Agenda Item: **Variance – 3725 Paula Avenue (RE # 00054890-000000)** – A request for variances to minimum rear-yard setback, maximum allowable building coverage and maximum allowable impervious surface in order to construct an addition to the principal structure, on property located within the Single Family (SF) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

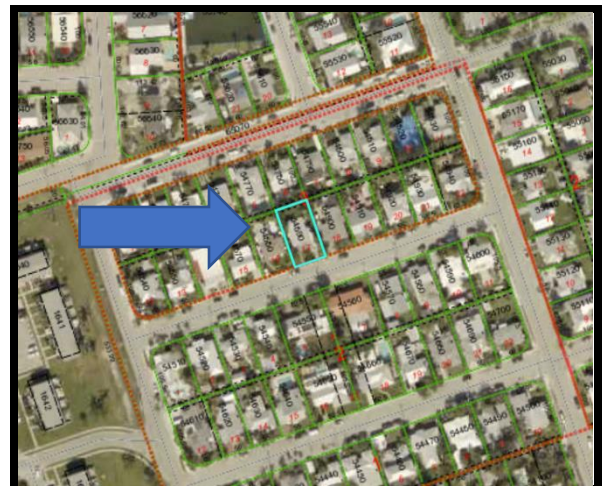
Request: The applicant is seeking variances in order to construct a 640-square-foot addition to the principal structure. The proposed building coverage is 43.9 percent, and the maximum allowable is 35 percent. The proposed impervious surface is 54.9 percent, and the maximum allowable is 50 percent. The proposed rear-yard setback is 23’10.5”, and the minimum allowable is 25’

Applicant: Meridian Engineering, LLC. c/o Rick Milelli, Professional Engineer

Property Owner: Jillian L. Cranney-Gage

Location: 3725 Paula Avenue

Zoning: Single Family (SF) Zoning District



Background:

The property at 3725 Paula Avenue is located between 19th and 20th Streets, and is one lot of record. According to Monroe County Property Appraiser’s website, the principal structure was built circa 1965. The property is not located in the Key West historic district.

The ground-level, Ranch style structure consists of three (3) bedrooms and one and a half (1.5) bathrooms. The applicant is proposing to construct an addition to the rear and side of the structure. The proposed addition will accommodate one (1) bedroom, an office, and two (2) full bathrooms. Although the proposed plans comply with the minimum open space percentage, maximum height and minimum front and side-yard requirements as provided in Section 122-238 of the Land Development Regulations, the plans submitted would require variances to the minimum rear-yard setback, maximum allowable building coverage and the maximum allowable impervious surface in the SF zoning district.

A site visit was conducted on May 19, 2020 by Planning staff. The following site visit photos of the principal structure were taken from the rear and side-yard areas where the applicant is proposing the addition.



Photos contributed by Planning Staff

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The following table summarizes the requested variance:

Relevant Single Family (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'	N/A	No Change	No
Minimum lot size	6,000 SF	5,500 SF	No Change	No
Maximum building coverage	35%	34% (1,870 SF)	43.9% (2,418 SF)	Yes, 8.9 % (640 SF)
Maximum impervious surface	50%	47.2% (2,596 SF)	54.9% (3,021 SF)	Yes, 4.9 % (425 SF)
Minimum open space	35%	52.2% (2,873 SF)	45% (2,479 SF)	No
Minimum front-yard setback	20'	16.5'	20'	No
Minimum side-yard setback (left)	5'	7'-11"	No Change	No
Minimum side-yard setback (right)	5'	10'-5.5"	5'	No
Minimum rear-yard setback	25'	23'-10.5"	No change, but expanding upon	Yes

Process:

Planning Board Meeting: June 18, 2020
Local Appeal Period: 10 days
Planning renders to DEO for Review: 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 of 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 land, structure and buildings do not have any special conditions or circumstances involved that any other property located within the Single Family (SF) zoning district possess. The lot is nonconforming to the minimum rear-yard setback, however, other lots in the area are similarly nonconforming. Therefore, special conditions or circumstances do not exist.

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 applicant is proposing to construct 640-square-feet of an addition onto the principal structure. Therefore, the conditions are generated from the specific actions initiated by the applicant.

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, expanding upon the rear-yard setback in order to construct an addition to the primary residential structure, 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.***

Although an addition would provide larger floor space to accommodate a growing family, the applicant currently has use of the existing 3-bedrooms and 1.5-bathrooms without variance approval. In addition, the lack of additional floor space does not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. Therefore, hardship conditions do not exist. Denial of the requested variance would not deprive the applicant from the rights commonly enjoyed by other properties in the SF zoning district.

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, or structure. However, they are the minimum necessary to accommodate the request.

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 non-compliance with 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 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:

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for the proposed variance be **Denied**.

However, if the Planning Board approves this request, staff would like to require the following conditions:

General Conditions:

- 1) The proposed development shall be consistent with the plans dated March 14, 2020 by the Richard J. Milelli, PE. No approval granted for any other work or improvements shown on plans other than the proposed construction.
- 2) A tree protection plan is required when the building permit is sought.