

RESOLUTION NO. 2026-_____

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF KEY WEST, FLORIDA, CONSIDERING AN APPLICATION FOR A VARIANCE PURSUANT TO SECTIONS 90-395 AND 122-32(a) OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR DENIAL OF THE REQUEST; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Greg Oropeza (“Applicant”), on behalf of Kingsley Girl LLC. (“Property Owner”), submitted an application for a variance for property located at 624 United Street (RE# 00036450-000000), within the Historic Residential Office (HRO) Zoning District; and

WHEREAS, the Applicant seeks a variance to relocate an existing residential structure approximately 23 feet 8 inches forward on the lot, which would reduce but not eliminate existing nonconforming side setbacks; and

WHEREAS, the proposed relocation would result in side setbacks of approximately 3 feet 3³/₄ inches along Elizabeth Street and 3 feet 0 inches along the west property line, where 5 feet is required; and

WHEREAS, the subject structure is legally nonconforming with respect to current setback requirements, having been constructed prior to the adoption of the applicable regulations; and

WHEREAS, Section 122-32(a) of the Land Development Regulations permits alterations to nonconforming structures that reduce the degree of noncompliance, but does not authorize the relocation of such structures in a manner that establishes a new building footprint; and

WHEREAS, the relocation of the structure constitutes a reconfiguration of the nonconforming condition requiring variance approval; and

WHEREAS, the Planning Board conducted a duly noticed public hearing on June 18, 2026, to consider the application and received staff's report, applicant testimony, and public comment; and

WHEREAS, the Planning Board has reviewed the criteria set forth in Section 90-395 of the Land Development Regulations;

NOW, THEREFORE, BE IT RESOLVED By The Planning Board Of The City Of Key West, Florida:

Section 1: Findings Of Fact

The Planning Board adopts the following findings of fact and conclusions of law:

1. Special Conditions and Circumstances.

The Planning Board finds that special conditions or circumstances peculiar to the land, structure, or building have not been demonstrated. The existing nonconformity is not unique within the zoning district.

NOT IN COMPLIANCE

2. Conditions Not Created by Applicant.

The Planning Board finds that the existing nonconforming conditions were not created by the Applicant.

COMPLIANT

3. Special Privileges Not Conferred.

The Planning Board finds that granting the variance would not confer special privileges inconsistent with other properties in the district.

COMPLIANT

4. Hardship Conditions Exist.

The Planning Board finds that a literal interpretation of the Land Development Regulations would not deprive the Applicant of rights commonly enjoyed by other

properties in the district, nor create an unnecessary hardship.

NOT IN COMPLIANCE

5. Minimum Variance Necessary.

The Planning Board finds that the requested variance represents the minimum necessary to accomplish the Applicant's stated objective.

COMPLIANT

6. Not Injurious to Public Welfare.

The Planning Board finds that the requested variance would not be injurious to the public welfare or detrimental to the surrounding area.

COMPLIANT

7. Nonconforming Uses Not Basis for Approval.

The Planning Board finds that the request is not based on nonconforming uses of neighboring properties.

COMPLIANT

Section 2: Concurrency

The Planning Board finds that the proposed variance will not result in adverse impacts to public facilities or services pursuant to Section 108-233 of the Code of Ordinances.

Section 3: Good Neighbor Policy

The Planning Board acknowledges that, as of June 15, 2026, no letters of support or objection were received regarding this application.

Section 4: Decision

Based upon the foregoing Findings of Fact and Conclusions of Law, the Planning Board finds that the Applicant has failed to meet all of the criteria required under Section 90-395 of the Land Development Regulations.

Accordingly, the application for a variance to reduce the required side setbacks in order to relocate the existing structure is hereby **DENIED**.

Section 5: Effective Date

This Resolution shall become effective immediately upon adoption.

Read and passed at a regularly scheduled meeting held this 18th day of June, 2026.

Authenticated by the Chair of the Planning Board and the City Planner;

Peter Batty, Planning Board Chair Date

Attest:

Taylor Brown, City Planner Date

Filed with the Clerk:

Keri O'Brien, City Clerk Date