

**PLANNING BOARD
RESOLUTION NO. 2020-**

A RESOLUTION OF A CITY OF KEY WEST PLANNING BOARD DENYING AN VARIANCE TO THE MINIMUM SIDE YARD SETBACK, MINIMUM REAR YARD SETBACK, AND THE MINIMUM OPEN SPACE REQUIREMENTS IN ORDER TO CONSTRUCT A NEW REAR ADDITION TO THE EXISTING HOUSE, A REAR DECK, A POOL, INSTALL MECHANICAL EQUIPMENT, AND PROVIDE (1) ONE OFF-STREET PARKING SPACE ON PROPERTY LOCATED WITHIN THE HISTORIC MEDIUM DENSITY (HMDR) ZONING DISTRICT PURSUANT TO SECTIONS 90-395, 122-600 (6)B, 122-600(6)C, AND 108-346(B) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, the applicant is requesting to construct a rear addition to the existing house, a rear deck, a pool, install mechanical equipment, and provide (1) one off-street parking space on the property located at 1007 Thomas Street (RE # 00025610-000000); and

WHEREAS, Section 122-600 (6)b. of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) states the minimum side yard setback is five feet; and

WHEREAS, the existing side setback is two feet four inches; and

WHEREAS, the proposed side setback is two feet four inches; and

WHEREAS, Section 122-600(6)c. of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) states the minimum rear yard setback is fifteen feet; and

WHEREAS, the existing rear yard setback is eight feet nine inches; and

_____ Vice-Chairman

_____ Planning Director

WHEREAS, the proposed rear yard setback is ten feet five inches; and

WHEREAS, Section 108-346(b) of the Land Development Regulations (the “LDRs) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) states residential uses shall provide a minimum of 35 percent open space; and

WHEREAS, the existing open space is 60.8%, 1,160.9 square feet; and

WHEREAS, the proposed open space is 33.48%, 639.3 square feet; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on June 18, 2020;

WHEREAS, the Planning Board finds that special conditions and circumstances do not 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 district. Specifically, the existing property is a standard developed lot with no particular set of circumstances that are peculiar to the land, structure, or buildings involved. The circumstances of this lot are applicable to other lots in the SF zoning district; and

WHEREAS, the Planning Board finds that the special conditions do result from the action or negligence of the applicant. Specifically, the existing conditions were created by the applicant. The construction of an accessory structure that violates setback and accessory structure location requirements is generated from specific actions initiated by the applicant; and

WHEREAS, the Planning Board finds that granting the variance requested will confer upon the applicant special privileges denied by the land development regulations to other lands, buildings, or structures in the same zoning district. Specifically, sections 122-600(6) b., 122-600(6)c., and 108-346(b) of the Land Development Regulations provide for the dimensional requirements of the

_____Vice-Chairman

_____Planning Director

HMDR zoning district. Therefore, granting the proposed variances would confer special privileges upon the applicant; and

WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would not deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would not work unnecessary and undue hardship on the applicant. Specifically, the applicant currently has existing use of the site without the approval of the variances. The LDRs specifically provide for the dimensional requirements of the HMDR zoning district. The construction of a new rear addition, a rear deck, a pool, install mechanical equipment, and provide (1) one off-street parking space in no way necessitates hardship conditions. The denial of the requested variances would not deprive the applicant of rights commonly enjoyed by other properties in the HMDR zoning district. Accordingly, hardship conditions do not exist; and

WHEREAS, the Planning Board finds that the variances requested are not the minimum variances that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of the variances will not be in harmony with the general intent and purpose of the land development regulations and that such variances will be injurious to the area involved or otherwise detrimental to the public interest or welfare. Specifically, due to not being in compliance with all of 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; and

_____Vice-Chairman

_____Planning Director

WHEREAS, the Planning Board finds that 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 are grounds for the issuance of the requested variance. Specifically, existing nonconforming uses of other properties, use of neighboring lands, structures, or buildings in the same district, or other zoning districts, are not the basis for the applicant’s request; and

WHEREAS, the Planning Board finds 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.

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 if fully set forth herein.

Section 2. The applicant’s request for variances to the minimum side yard setback, minimum rear yard setback, and minimum open space requirements to allow for the construction of a rear addition, a rear deck, a pool, install mechanical equipment, and provide (1) one off-street parking space on the property located at 1007 Thomas Street (RE # 00025610-000000) in the HMDR zoning district pursuant to Sections 90-395, 122-600 (6) b., 122-600 (6)c., and 108-346 of the City of Key West Land Development Regulations is hereby **denied**.

Section 3. 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 4. This Resolution is subject to appeal periods as provided by the City of Key West
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_____Vice-Chairman

_____Planning Director

West Code of Ordinances (including the Land Development Regulations).

Read and passed on first reading at a regularly scheduled meeting held this 18th day of June 2020.

Authenticated by the Chairman of the Planning Board and the Planning Director;

Sam Holland, Key West Planning Board Chairman

Date

Attest:

Katie P. Halloran, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

_____ Vice-Chairman

_____ Planning Director

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