

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



To: Chairman and Planning Board Members

Through: Katie Halloran, Planning Director

From: Nicholas Perez-Alvarez, Stantec

Meeting Date: May 29, 2025

Agenda Item: **Variance – 1605 Bahama Drive (RE# 00070270-000000)** – A request for a variance on maximum building coverage from 30% required to 53% proposed, maximum impervious surface ratio from 50% required to 58% proposed, minimum rear setback from 25' required to 2'-8" proposed, and minimum side setback from minimum 5' required to 1'-7" proposed for the reconstruction of a rear covered terrace at an existing single-family home for property located within the Single Family (SF) Zoning District pursuant to Sections 90-395 and 122-238 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: A request for a variance to the required side setback for the reinforcement of the existing porch roof and columns. The applicant is requesting variances on the maximum building coverage, maximum impervious surface ratio, minimum rear setback, and minimum side setback.

Applicant: Smith Hawks, PL

Property Owner: Patsy Castro Living Trust

Location: 1605 Bahama Drive, Key West, Florida
(RE# 00070270-000000)



Street View of the Subject Property

Background:

The subject property, with a lot size of 5,277 sq. ft., is in the Single Family (SF) Zoning District. The parcel includes a single-family residence that was constructed circa 1975.

This application is associated with construction and replacement of a rear and side porch roof, deck, and columns. The applicant has indicated that an existing patio area was damaged, and was in need of replacement. According to historic satellite imagery, the rear and side covered deck areas have been in place since at least 1985. The covered deck structure was rebuilt recently without building permits, with a somewhat modified roof system design. A complaint was received by the City of Key West Code Enforcement Department regarding this construction. After inspection of the property, Code Case #2024-00874 was initiated. To address this active case, the property owner has applied for variances.

While the applicant has provided a survey, the application does not include a site plan complete with all structural setbacks clearly noted. However, the applicant has requested that this application move forward to Planning Board regardless.



Aerial Photograph from December 30, 1985, showing porch existing

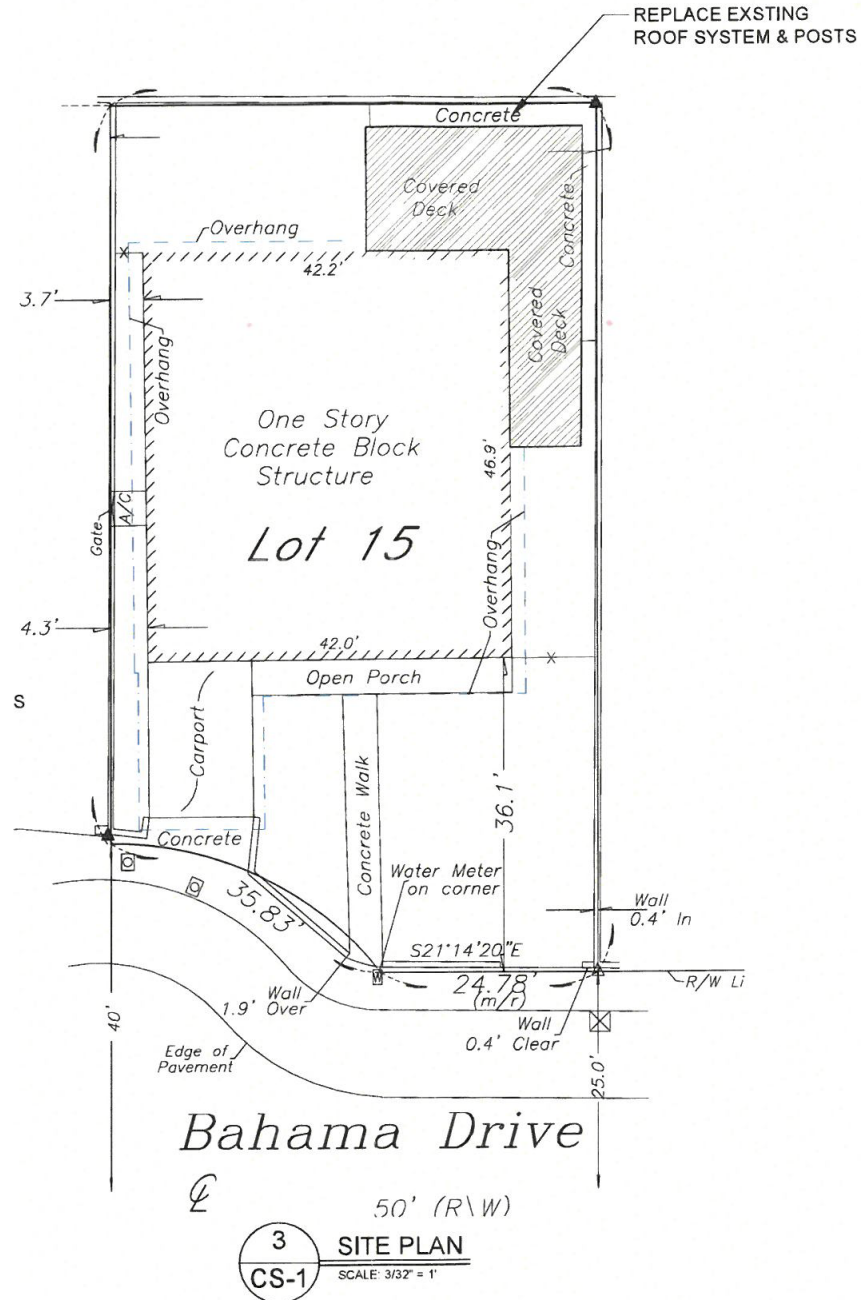
Retrieved from the Florida Department of Transportation, Office of Surveying and Mapping

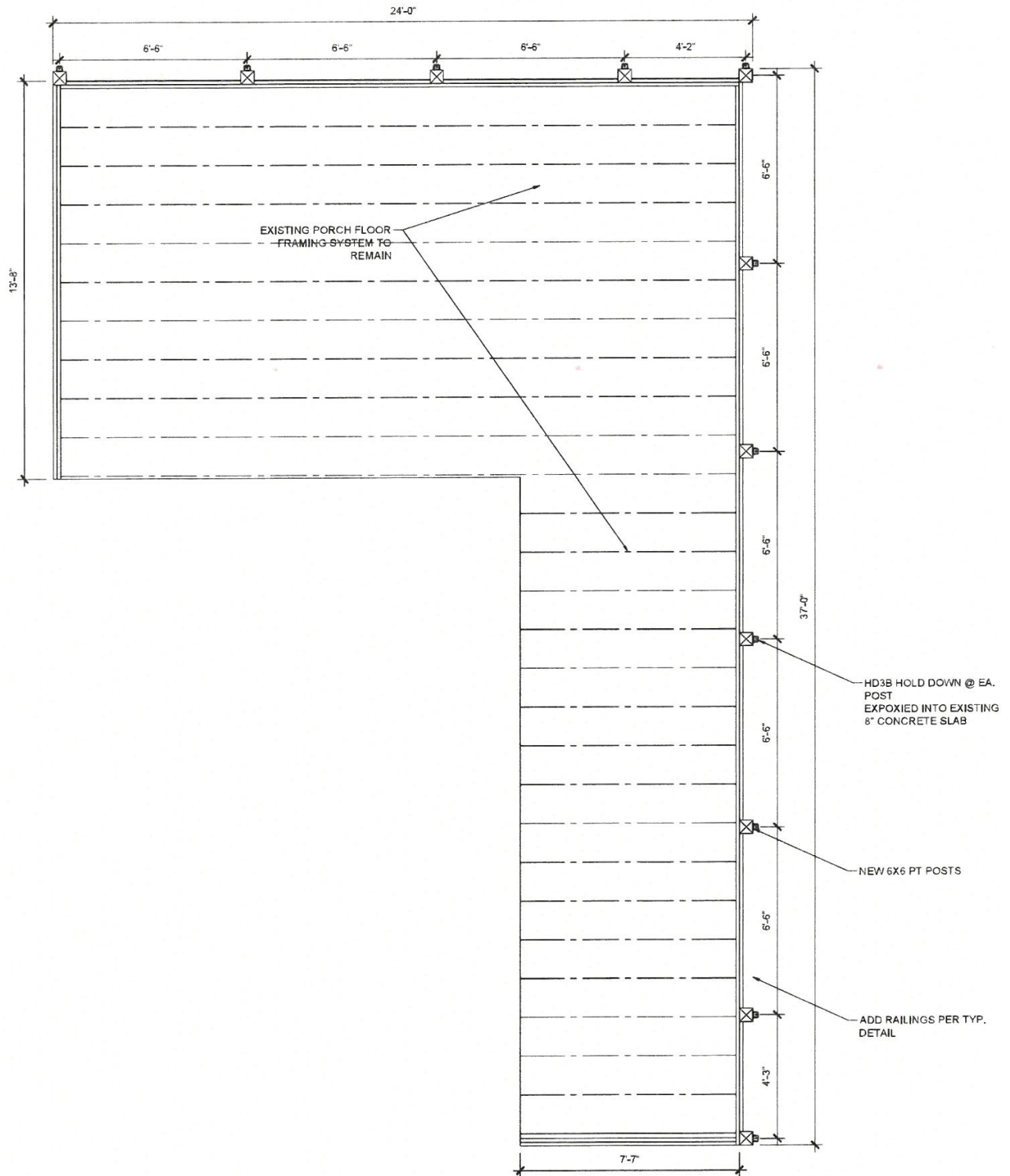
Above: Historic photo showing porch (1985)

Below: Images of current structure



Updated site plan showing current structure (2024)





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S-1 PORCH FLOOR FRAMING PLAN
SCALE: 3/8" = 1'

Proposed Framing Plan

The site data table below provides the current and proposed site data for the property. The applicant is requesting variances on the maximum building coverage, maximum impervious surface ratio, minimum rear setback, and minimum side setback.

Site Data Table:				
	Code Required	Existing	Proposed	Variance Required
Max. Density	8 du/acre (1 unit)	1 unit	1 unit	No
Max. Height	25 ft	House: 16'-8" Porch: 9'-9"	House: 16'-8" Porch: 9'-9"	No
Max. Building Coverage	35%	53%	53%	Yes
Max. Impervious Surface Ratio	50%	58%	58%	Yes
Minimum Front Setback	30'	1'-8"	1'-8"	No
Minimum Rear Setback	25'	2'-8"	2'-8"	Yes
Minimum East Side Setback	5'	1'-7"	1'-7"	Yes
Minimum West Side Setback	5'	2'-2" (house) 24'-5" (reconstructed porch)	2'-2"	No

Based on the framing plans submitted, the proposed design would require a variance to the following requirements:

A variance from the standards below is required as a result of the rear porch replacement.

- **Maximum Building Coverage:** from 30% required to 53% proposed
- **Maximum Impervious Surface Ratio:** from 50% required to 58% proposed
- **Minimum Rear Setback:** from 25' required to 2'-8" proposed
- **Minimum Side Setback:** from minimum 5' required to 1'-7" proposed

The application was sent to the Development Review Committee (DRC) members for comments on April 18, 2025. The following responded with comments:

- Utilities: Utilities respectfully request the applicant install a gutter on the roof within the south side yard.

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 porch has required setbacks, with proposed improvements to remain within the dimensions of the previous structure. The covered deck area has existed since at least 1985 and the applicant indicates that the owner has paid taxes on the improvement value of the covered deck area since at least 1992. The 5,277 sq. ft. lot is less than the minimum permitted lot size of 8,000 sq. ft. within the Venetian subdivision south of the Riviera canal, presenting challenges to meet the SF district dimensional standards. However, the subject property's lot size is typical of existing lots in the area and therefore there are not special conditions peculiar to the land, structure, or building.

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 provides that the damage on the roof of the existing covered deck area needing replacement is not a condition that was created by the applicant. This property last transferred ownership in 1983 and it cannot be determined whether the rear porch was constructed before or after the current owner purchased the property. However, historic satellite imagery shows that the rear porch has existed since at least 1985. The new deck structure has been constructed by the current property owner.

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.*

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. However, staff acknowledges that granting of the variance allows reasonable efforts to replace a damaged structure that has existed in a similar design for at least 40 years.

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.*

Staff does not find hardship conditions to exist on the subject property that would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. However, staff acknowledges that granting of the variance allows reasonable efforts to replace a damaged structure that has existed in a similar configuration for at least 40 years.

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 applicant has requested the minimum variance that would allow for the repair and reconstruction within the same three-dimensional footprint of a structure that has been in a similar configuration for several decades. However, the land, building and structure can be reasonably used without the side and rear porch.

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.*

The City is not aware of neighbor opposition at this time. Utilities Department staff have recommended installation of a gutter system to minimize stormwater runoff toward neighboring property. Given a similarly configured structure has been in existence, and provided a gutter system is installed, staff does not anticipate that the covered deck will be detrimental to the public interest or welfare.

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.*

No other nonconforming uses of the other properties have been considered in staff's analysis.

IN COMPLIANCE

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.

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.

FINDINGS:

Staff finds that the standards established by Section 90-395 of the City Code **have not been met** in full by the applicant.

The Planning Department recommends that the applicant submit signed and sealed site plans for this improvement that include elevations of the covered patio, and a site plan with setbacks to reflect the site data table submitted for this variance application. Submitted plans currently are limited to a porch framing plan and a lot survey. Planning staff therefore are not able to provide a complete review while the application remains incomplete.

Should the Planning Board approve this variance request, staff recommends the following conditions:

1. The proposed construction shall be consistent with the framing plans prepared by Lakewood Engineering, Inc. dated August 22, 2024 and revised May 3, 2025.
2. The after-the-fact building permit plans set shall require installation of a gutter on the roof within the south side yard.
3. The hours of construction shall follow City Code.
4. During all phases of construction, temporary fencing shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris unless the required right-of-way permit is obtained.