

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



**To:** Chairman and Planning Board Members

**Through:** Katie P. Halloran, Planning Director

**From:** Melissa Paul-Leto, Planner I

**Meeting Date:** April 22, 2021

**Agenda Item:** **Variance – 701 Windsor Lane & 627 Elizabeth Street – (RE# 00018700-000100 & 00011920-000000)** - A request for variances to the maximum impervious surface ratio, maximum building coverage, minimum side yard setbacks, minimum rear yard setback, and the minimum open space ratio in order to elevate, to renovate, and to demolish portions of an existing one story single family residence on property located within the Historic High Density (HHDR) zoning district pursuant to sections 90-395, 122-630 (4) b., 122-630 (6) b., 122-630 (6) c., 122-1181 and 108-346 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Request:** The applicant is proposing to elevate, renovate, and to demolish portions of the one-story single-family residence.

**Applicant:** One Call Construction

**Property Owner:** Kevin Trapani

**Location:** 701 Windsor Lane & 627 Elizabeth Street – (RE# 00018700-000100 & 00011920-000000)

**Zoning:** Historic High Density (HHDR) zoning district



**Background/Request:**

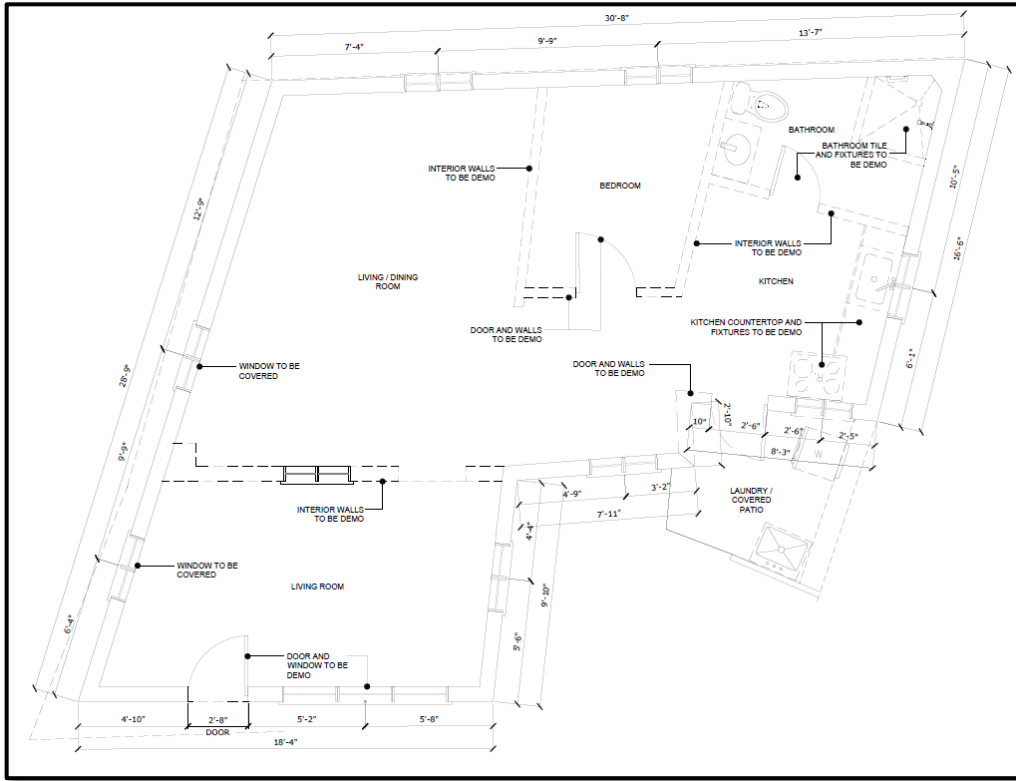
The subject properties of 701 Windsor Lane and 627 Elizabeth Street are under the same ownership and received a unity of title to combine the two parcels on April 6<sup>th</sup>, 2021. The subject of this variance request is the one-story residence located at 701 Windsor Lane. Access to the home is currently only through an access easement off Windsor Lane. The unity of title and the proposed addition of a sliding glass door with steps to access 627 Elizabeth’s rear yard will provide another ingress and egress to the residence. The property owner’s intention is to have their mother reside at 701 Windsor Lane. The residential structures at 701 Windsor Lane and 627 Elizabeth have historically been there since 1948 and are contributing to the historic district. The lot size with both parcels now united is a total of 4,030 square feet conforming with the minimum lot size in the HHDR zoning district. The proposed site plan indicates the portions of the structure would be demolished, renovated, and elevated to FEMA compliance.



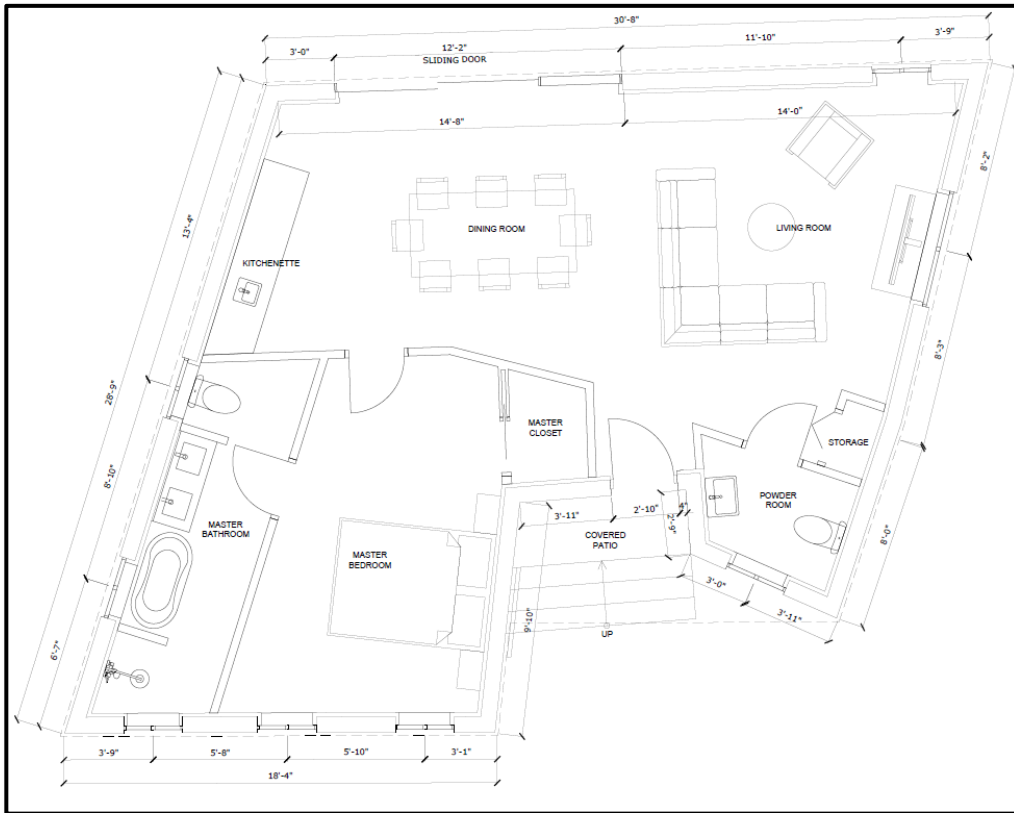
*701 Windsor Lane – Existing front entrance*







701 Windsor Lane – Existing and Demo Floor Plan



701 Windsor Lane – Proposed Floor Plan

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

- The required maximum building coverage in the (HHDR) zoning district is 50 percent, or 2,015 square feet. The existing building coverage on the site is 55.31 percent, or 2,228 square feet. The applicant is proposing 54.99 percent, or 2,216 square feet.
- The required maximum impervious surface ratio in the (HHDR) zoning district is 60 percent, or 2,418 square feet. The existing impervious surface on the site is 76.13 percent, or 3,068 square feet. The applicant is proposing 70.67 percent, or 2,848 square feet.
- The minimum west side yard setback in the (HHDR) zoning district is 5 feet. The existing side yard setback is 1 foot 5 inches over the property line. The applicant is proposing 0 side setback.
- The minimum east side yard setback in the (HHDR) zoning district is 5 feet. The existing side yard setback is 3 inches over the property line. The applicant is proposing 0 side setback.
- The minimum rear yard setback in the (HHDR) zoning district is 20 feet. The existing rear yard setback is 5 inches over the property line. The applicant is proposing 0 rear yard setback.
- The minimum open space ratio is 35% or 1,410 square feet. The existing open space is 10.62%, or 428 square feet. The applicant is proposing 15.76%, or 635 square feet.
- The maximum rear yard coverage allowed is 30% or 1,191 square feet. The existing rear yard coverage is zero. The proposed rear yard coverage would be 37.9%, or 451 square feet.

**Relevant HHDR Zoning District Dimensional Requirements: Code Section 122-630**

<b>Dimensional Requirement</b>	<b>Required/Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change / Variance Required?</b>
Flood Zone	X			
Maximum Height	30 feet	26 feet 5 inches	26 feet 5 inches	In compliance
Minimum Lot Size	4,000 SF	Total= 4,030 SF	Total= 4,030 SF	In compliance
<b>Maximum Building Coverage</b>	<b>50 % 2,015 SF</b>	<b>55.31 % 2,228 SF</b>	<b>54.99 % 2,216 SF</b>	<b>Variance Required +201 SF</b>
<b>Maximum Impervious Surface Ratio</b>	<b>60 % 2,418 SF</b>	<b>76.13 % 3,068 SF</b>	<b>70.67 % 2,848 SF</b>	<b>Variance Required +430 SF</b>
<b>Minimum Open Space</b>	<b>35 % 1,410 SF</b>	<b>10.62 % 428 SF</b>	<b>15.76 % 635 SF</b>	<b>Variance Required (19.24%) =775 SF</b>

Minimum Front Yard Setback	10 feet	52 feet 9 inches	54 feet	In compliance
Minimum East Side Yard Setback	5 feet	3 inches over the property line	0	Variance Required -5 feet
Minimum West Side Yard Setback	5 feet	1 foot 5 inches over the property line	0	Variance Required -5 feet
Minimum Rear Yard Setback	20 feet	5 inches (over property line)	0 feet	Variance Required -25 feet
Maximum Rear Yard Coverage	30% 1,191 SF	0	37.9% 451 SF	Variance Required + 740 SF

**Process:**

**Planning Board Meeting:** April 22, 2021  
**Local Appeal Period:** 30 days  
**DEO Review Period:** 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 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 pre-dates the dimensional requirements of the current LDR's, and therefore is legally non-conforming in the (HHDR) zoning district. However, the owner recently received a unity of title for both 627 Elizabeth Street & 701 Windsor Lane parcels which together makes the total parcel size over the minimum lot size required in the HHDR zoning district. Therefore, there are no special conditions or circumstances.

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.***

This variance request is a result of the actions of the applicant proposing to elevate, renovate, and to demolish portions of a one-story single-family residence.

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. Elevating a structure which is currently encroaching into both sides' setbacks, would confer special privileges upon the applicant. However, the applicant is improving the noncompliance's of the property given the reduction in building coverage and impervious surface cover. The applicant is also increasing on-site open space and has removed a property line encroachment given a unity of title.

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 HHDR zoning district. Now that the property owner has received a unity of title, they have an opportunity to demolish the existing one-story structure at 701 Windsor Lane and construct a residence that conforms within the HHDR dimensional requirements. 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 Variance request is not the minimum required that will make possible the reasonable use of the land, building, 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 capacity issues.

**The Planning Board shall make factual findings regarding the following:**

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 received two letters of support for the variance requests as of the date of this report.

Pursuant to Code Section 90-392, in granting such application the Planning Board must make specific affirmative findings respecting each of the matters specified in Code Section 90-394.

***The planning board shall not grant a variance to permit a use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district.***

No use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district would be permitted.

***No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.***

No such grounds were considered.

***No variance shall be granted that increases or has the effect of increasing density or intensity of a use beyond that permitted by the comprehensive plan or these LDRs.***

No density or intensity of a use would be increased beyond that permitted by the comprehensive plan or these LDRs.

**RECOMMENDATION:**

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

If Planning Board chooses to approve the request for variances, then staff suggests the following condition:

1. The proposed design shall be consistent with the plans dated, April 22, 2021 by Serge Mashtakov, P.E. Artibus Design
2. Per Building Official: The renovated residence will require an NFPA-13D (at minimum) fire sprinkler system. With sprinklers added, and the party wall will need to meet FBC fire partition or firewall requirements.