

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



**To:** Chairman and Planning Board Members

**Through:** Patrick Wright, Planning Director

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

**Meeting Date:** August 16, 2018

**Agenda Item:** **Variance Extension - 805 Olivia Street (RE # 00019930-000000) - A request for a second extension to variances granted in Resolution No. 2015-27 located within the Historic High Density Residential (HHDR) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

**Request:** A 2<sup>nd</sup> time request for an extension to a variance granted for a side yard setback requirement in order to construct a 2 1/1 story single family residence.

**Applicant:** Gregory Oropeza, Oropeza, Stones, Cardenas Attorneys at Law

**Property Owner:** Bruce and Sharon Mineroff

**Location:** 805 Olivia Street (RE # 00019930-000000)

**Zoning:** Historic High Density Residential (HHDR) Zoning District



805 Olivia Street  
(Subject Property)

**Background:**

The property at 803-805 Olivia Street is located at the corner of Olivia Street and Windsor Lane and is one lot of record. There are three existing structures on the property: one 2 ½ story dwelling unit, carport and shed. In 2005, the owner received HARC approval for the demolition of a one story single family residence and the reconstruction of a new two story wood frame single family residence. The demolition took place; however, the reconstruction was put on hold. In 2009, the Planning Department acknowledged the existence of a second non-transient dwelling unit through the lawful unit determination process. The subject property was granted a variance to a side yard setback, Resolution No. 2015-27 in order to construct the second residential unit. The Planning Board on July 20<sup>th</sup>, 2017 granted a first time extension to the 2015 side setback variance. On January 18<sup>th</sup>, 2018 the applicant applied for an amendment to the 2015 variance in order to add a rear yard setback due to a change in the design of the residential structure. Presently, the property owners have decided to go back to the original design that was granted in 2015 and are in need of a second extension.

The applicant submitted on June 4, 2018, a request for a 12 month second extension to the variance granted.

**Process:**

<b>Planning Board Meeting:</b>	August 16, 2018
<b>Planning Board Meeting:</b>	July 20, 2017 Resolution No.2017-29
<b>Planning Board Meeting:</b>	July 16, 2015 Resolution No.2015-27

**Factors for review of the Extension include the following:**

- 1. The applicant submitted the request for the Extension prior to the variance approval expiration.**

The applicant submitted a request for the Variance Extension on June 4, 2018, prior to the expiration of the 1<sup>st</sup> Variance Extension approval.

- 2. The applicant has submitted reasonable cause for the Extension.**

The applicant states the design for the Amendment to the Variance that was approved by the Planning Board on January 18, 2018 was not conforming to the HARC guidelines. The applicant is now needing time to go back to the original design approval.

It is a condition of this variance that full, complete and final application for all conditions of this approval for any use and occupancy for which this variance is wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof, and further, that no application shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

**RECOMMENDATION:**

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for the Variance Extension be approved without modification to original conditions.

**General Conditions:**

1. Maintain 5 feet side yard setback free and clear of any obstructions for life safety accessibility.
2. The proposed development shall be consistent with the plans dated, December 18,2014 by William Shepler, P.A. No approval granted for any other work or improvements shown on the plans other than the proposed construction of single family residence.