

**PLANNING BOARD  
RESOLUTION NO. 2026-**

**A RESOLUTION OF THE CITY OF KEY WEST  
PLANNING BOARD DENYING A REQUEST FOR A  
VARIANCE FROM THE MAXIMUM BUILDING  
COVERAGE, MINIMUM FRONT YARD SETBACK, AND  
MINIMUM REAR YARD SETBACK REQUIREMENTS  
TO ALLOW THE RECONSTRUCTION OF A TWO-  
FAMILY RESIDENTIAL STRUCTURE ON PROPERTY  
LOCATED AT 1317 SUNSET DRIVE (RE# 00067500-  
000000) IN THE SINGLE-FAMILY (SF) ZONING  
DISTRICT, PURSUANT TO SECTIONS 90-395, 122-28,  
AND 122-238 OF THE CODE OF ORDINANCES OF THE  
CITY OF KEY WEST, FLORIDA.**

**WHEREAS**, the subject property is located at **1317 Sunset Drive (RE# 00067500-000000)** in the Single-Family (SF) Zoning district; and

**WHEREAS**, the applicant requests variances to allow the reconstruction of a two-family residential structure as an elevated two-family residential structure with increased building coverage and reduced front and rear setbacks; and

**WHEREAS**, the applicant requests variances from the maximum building coverage of thirty-five (35) percent to thirty-nine (39) percent, where the existing building coverage is thirty-three (33) percent; from the minimum front yard setback of twenty (20) feet to ten (10) feet, where the existing front yard setback is twenty (20) feet; and from the minimum rear yard setback of twenty-five (25) feet to five (5) feet, where the existing rear yard setback is zero (0) feet; and

**WHEREAS**, the existing two-family residential structure sustained substantial damage as a result of a fire, and pursuant to Section 122-28 of the Code of Ordinances may be reconstructed

at its existing nonconforming density, location, and three-dimensional building envelope; however, the proposed reconstruction expands beyond the existing building envelope by increasing building coverage and reducing the required front and rear yard setbacks; and

**WHEREAS**, the Board finds that the applicant has not demonstrated that the full extent of the requested dimensional relief results from special conditions or circumstances peculiar to the land, structure, or building involved; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on August 20, 2026; and

**WHEREAS**, the Board finds that the special conditions and circumstances do not result from the action or negligence of the applicant; and

**WHEREAS**, the Board finds that the applicant has not demonstrated that granting the requested additional dimensional relief would avoid conferring a special privilege beyond that available for the reconstruction of the existing legal nonconforming structure; and

**WHEREAS**, the Board finds that the applicant has not demonstrated that literal interpretation of the Land Development Regulations would deprive the applicant of reasonable residential use of the property or result in unnecessary and undue hardship; and

**WHEREAS**, the Board finds that the requested variances have not been demonstrated to be the minimum variances necessary to make reasonable use of the land, building, or structure; and

**WHEREAS**, the Board finds that granting the requested variances would not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

**WHEREAS**, the Board finds that existing nonconforming uses of neighboring lands, structures, or buildings are not being used as grounds for the issuance of the requested variances; and

**WHEREAS**, the Board finds that the applicant has not satisfied the conditions of Section 90-395 of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”); and

**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.** That the City of Key West Planning Board hereby DENIES the request for variances from the maximum building coverage, minimum front yard setback, and minimum rear yard setback requirements for the proposed reconstruction of the existing legal nonconforming two-family residential structure at 1317 Sunset Drive (RE# 00067500-000000), pursuant to Sections 90-395, 122-28, and 122-238 of the Code of Ordinances of the City of Key West, Florida.

**Section 3.** This variance does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

**Section 4.** 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 Board.

**Section 5.** This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department

of Commerce. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DOC with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period, the DOC can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed at a regularly scheduled meeting held this August 20<sup>th</sup>, 2026.

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

---

Peter Batty Jr. , Planning Board Chairman

Date

**Attest:**

---

Taylor Brown, City Planner

Date

**Filed with the Clerk:**

Page 4 of 5

Resolution No. 2026-027

\_\_\_\_\_ Chairman

\_\_\_\_\_ City Planner

---

Keri O'Brien, City Clerk

Date

Page 5 of 5

Resolution No. 2026-027

\_\_\_\_\_ Chairman

\_\_\_\_\_ City Planner