



THE CITY OF KEY WEST

PLANNING BOARD

Staff Report

To: Chairman and Planning Board Members

Through: Taylor Brown, Planning Director

From: Ben Gagnon, Planner II

Meeting Date: April 16, 2026

Agenda Item: **Variance - 325 Duval Street, Rear (RE# 00004320-000000)** An after-the-fact request for a variance from the required parking standards associated with the construction of an outdoor bar, commercial floor area, and associated consumption area at a property located in the Historic Residential Commercial Core-1 (HRCC-1) zoning district, pursuant to Sections 90-395 and 108-572 through 108-574 of the Code of Ordinances of the City of Key West, Florida.

Request: This application seeks a parking variance to address after-the-fact improvements constructed without permits, currently subject to an open code enforcement case, including two tiki huts: one containing a full bar and the other functioning as a stage for live performers, as well as an open-air consumption area with seating.

The site plan has been deemed insufficient by staff, and the applicant is working with their engineer to produce more detailed plans – this is the basis of postponement.

Applicant: Smith Hawks, PL

Property Owner: Key West Hotel LLC

Location: 325 Duval Street (RE# 00004320-000000)

Zoning: Historic Residential Commercial Core – (HRCC-1)

Background and Analysis

The subject property, located at 325 Duval Street is improved with a hotel with 12 transient units. The property was allowed to serve alcohol within 300ft of a Church through PB Resolution 2024-015, and then allowed to serve through a moveable bar fronting Duval street through PB Resolution 2025-041 (conditional use) and PB Resolution 2025-040 (alcohol sales exception).

Section 108-572 requires one parking space per 45 square feet of serving or consumption area for bars and lounges. The applicant proposes 1,025 square feet of consumption area, which results in a requirement of 23 parking spaces. The site does not provide any parking for its hotel units. Therefore, in evaluating the parking variance, all uses must be brought into compliance. As a result, an additional 12 parking spaces are requested, for a total variance of 35 spaces.

Sec 108-575: Computation of parking spaces.

(5) Applicability of standards to expanding uses. Whenever a building or use is enlarged in floor area, number of dwelling units, seating capacity or in any other manner so as to create a need for a greater number of parking spaces than that existing, such spaces shall be provided in accordance with this section. Any parking deficiency shall be brought into conformity concurrently with the enlargement or change of use.

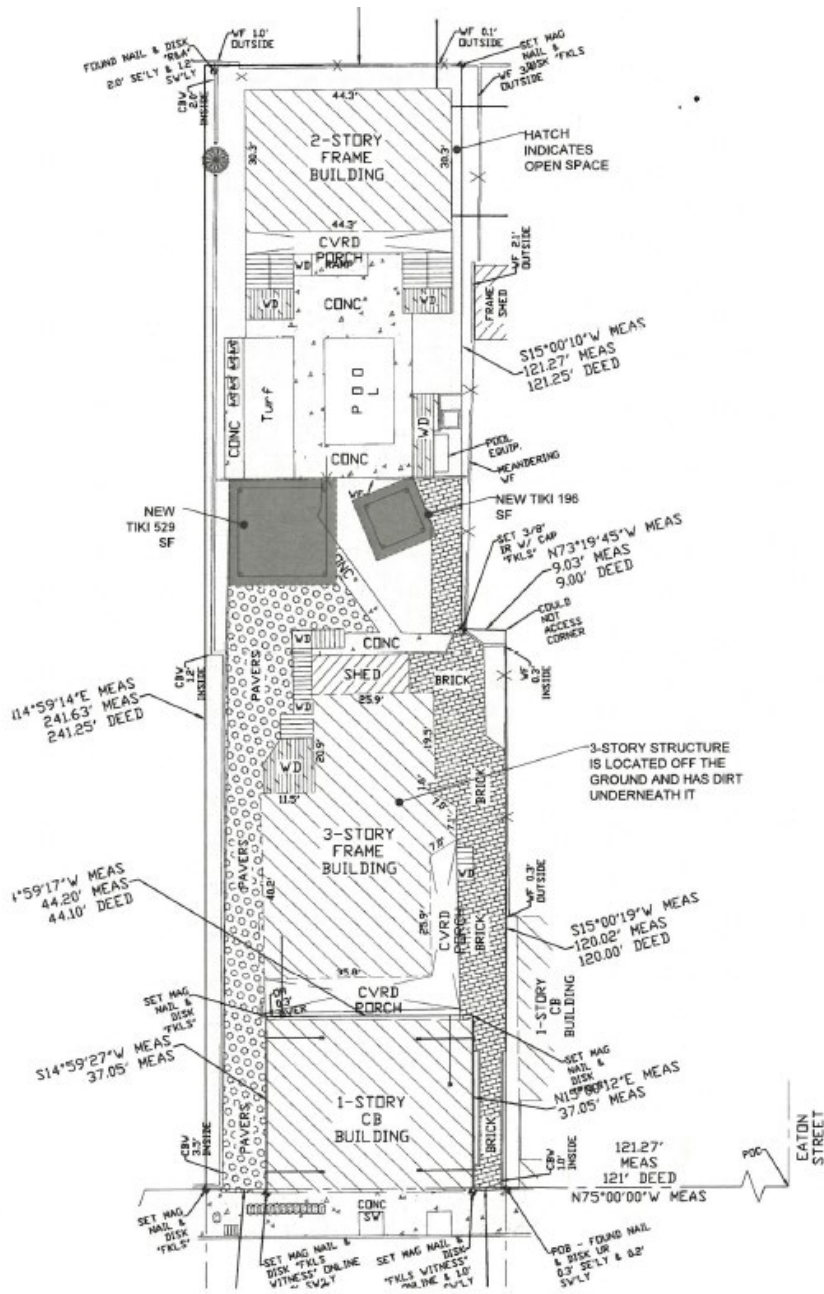
Planning has asked for a postponement until May as the plans in the package do not reflect in detail what is being requested. We have asked for a full area showing consumption area, seating, bar layout, and stage details.

Proposed Development:

The site data table for the proposed development is shown below. All numbers are in Square Feet.

	Required	Existing	Proposed
Bar/ Lounge	1 Space per 45sf of Consumption Area	0	0
Hotel Use	1 Space per Unit + Plus 1 for Manager	0	0

Proposed Site Plan, submitted by applicant.



PROPOSED SITE PLAN
 SCALE: 1/16"=1'-0"

The site plan has been deemed insufficient by staff and the applicant is working with their engineer to produce more detailed plans – this is the basis of postponement.

Process:

Development Review Committee:	January 22, 2026
Tree Commission Meeting (Conceptual landscape plan & tree removal approval):	None required due to limited scope of landscaping work
Planning Board Meeting: Tree Commission Meeting (Final landscape plan approval):	April 16, 2026
Local Appeal Period:	TBD
Planning renders to DOC for review:	10 Days Up to 45 days

VARIANCE CRITERIA:

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.*

Special conditions do exist on the property, the property is setback off Duval Street, and the only ingress and egress by vehicle is a small 7ft wide pathway, not meeting minimum width for an entry way (12ft). If the applicant were to come into compliance it would require demolition of existing properties not owned by the applicant that front Duval Street. **Complies.**

2. *Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.*

The need for the variance is a result of the applicant’s request to increase the number of RRVs on site. **Does not comply.**

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.*

This would allow the property owner to expand commercial use without providing required parking, which is required of other property owners. **Does not comply.**

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.*

Literal application of the LDRs would not deprive the applicant of rights commonly enjoyed by other properties. **Does not comply.**

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 property has been functioning as a hotel with accessory uses. **Does not comply.**

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.*

Granting of the variance will not make a significant impact on the public welfare. **Complies**

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 nonconforming uses of other properties is not the basis for the request. **Complies**

RECOMMENDATION

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request for a Parking Variance be **POSTPONED** until further plans are provided.