

THE CITY OF KEY WEST
PLANNING BOARD
Staff Report



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Jordan Mannix-Lachner, Planner I

Meeting Date: July 18, 2024

Application: **Variance – 1015 Casa Marina Court (RE# 00058690-000000)** – A request for variances to building coverage, rear setback, front setback, and open space requirements to construct a single-family dwelling at property located in the Single-Family zoning district pursuant to Section 90-395 and 122-238 of the Land Development Regulations of the City of Key West, Florida.

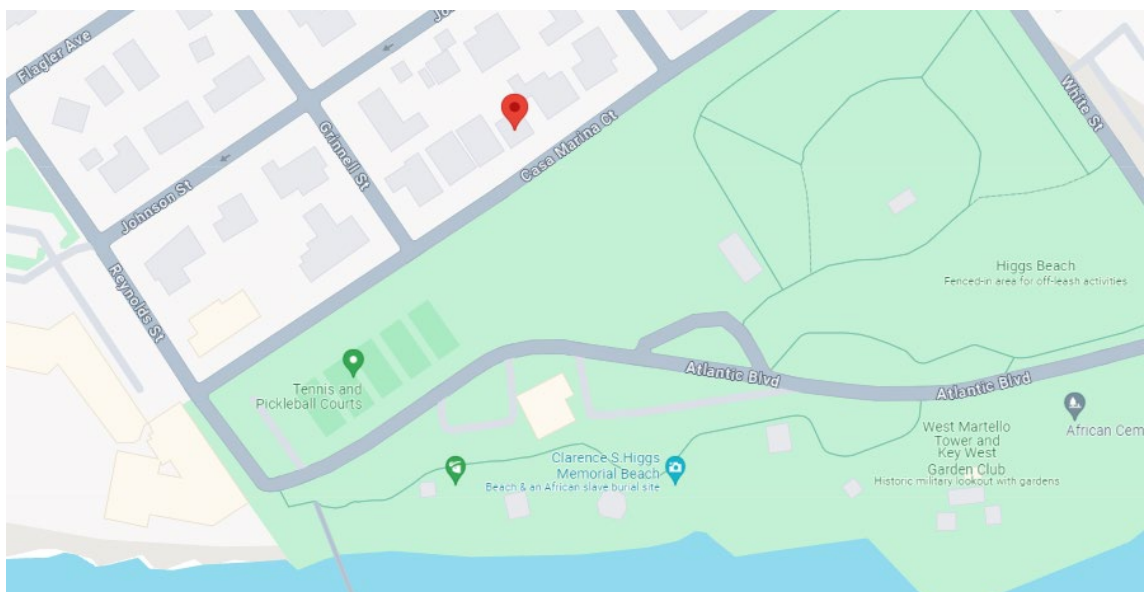
Request: A request for building coverage, rear setback, front setback, and open space requirements to construct a single-family home.

Applicant: Spottswood, Spottswood, Spottswood & Sterling, PLLC

Property Owner: 1015 Casa Marina Court Holdings, LLC

Location: 1015 Casa Marina Court (RE# 00058690-000000)

Zoning: Single-Family Zoning District



Background:

The subject property is a 5,000 square-foot lot of record located in the Single-Family (SF) zoning district. The property is currently vacant. The property is located within the Martello Towers subdivision, which is one of two subdivisions in the SF zoning district that have larger minimum lot size and lower building coverage maximums than other areas in the SF zoning district. Per Section 122-238, the minimum lot size in the Martello Towers subdivision is 8,000 square-feet and maximum building coverage is 30%. This provides for larger yards, larger homes, and more open space than in most of the SF zoning district.

A single-family home was voluntarily demolished on the property in 2023. The dwelling was legally noncomplying with regard to the front setback (by 6'5"), building coverage (by 1% or 48 SF), and the northeast side setback (by 1'9" along the length of an attached carport).

The Code permits noncomplying dwellings to be reconstructed within the same three-dimensional building envelope without the need for a variance. The proposed structure has an expanded three-dimensional envelope and thus requires a variance.



1015 Casa Marina Court in August, 2022. Via Google Maps.

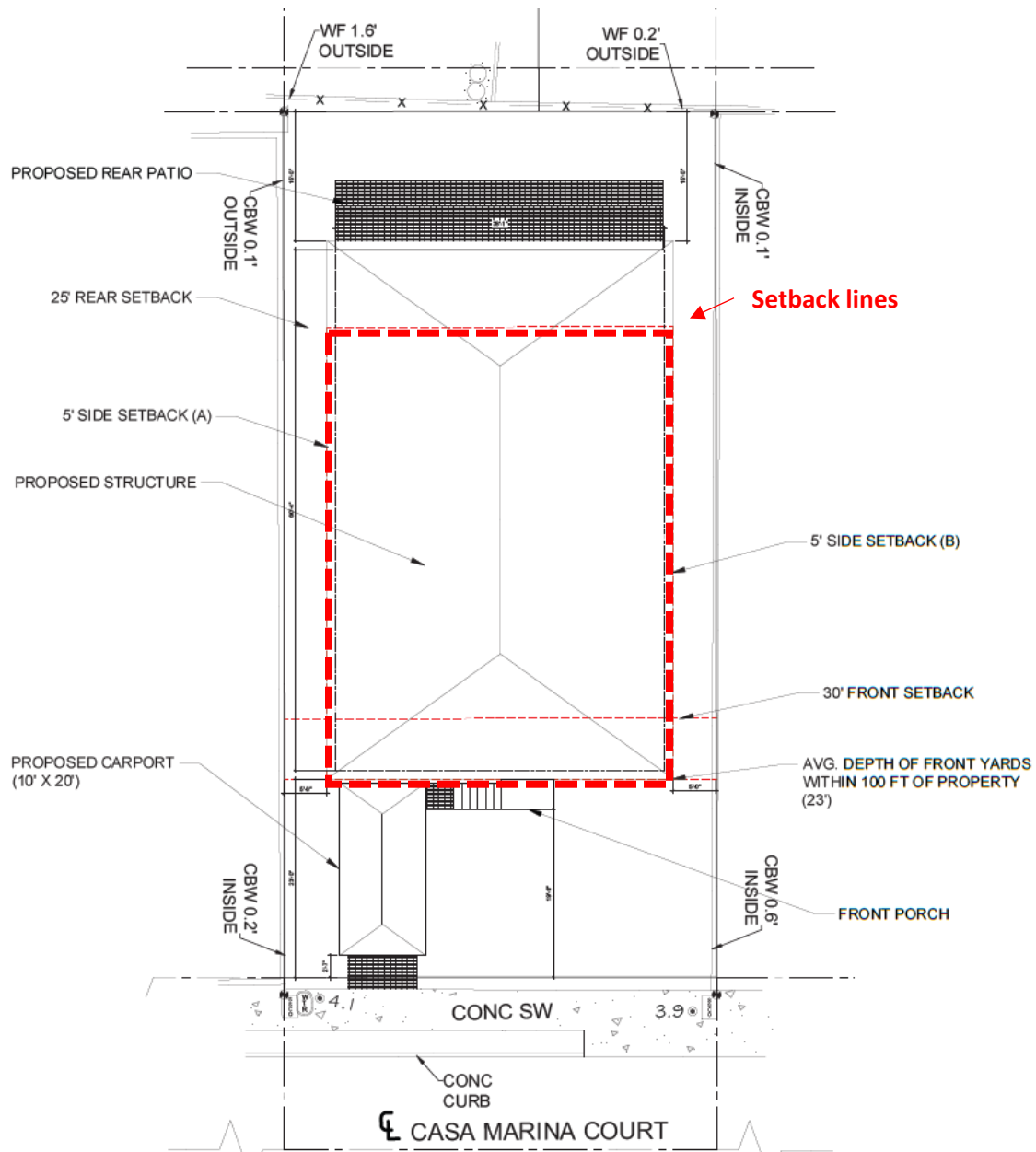


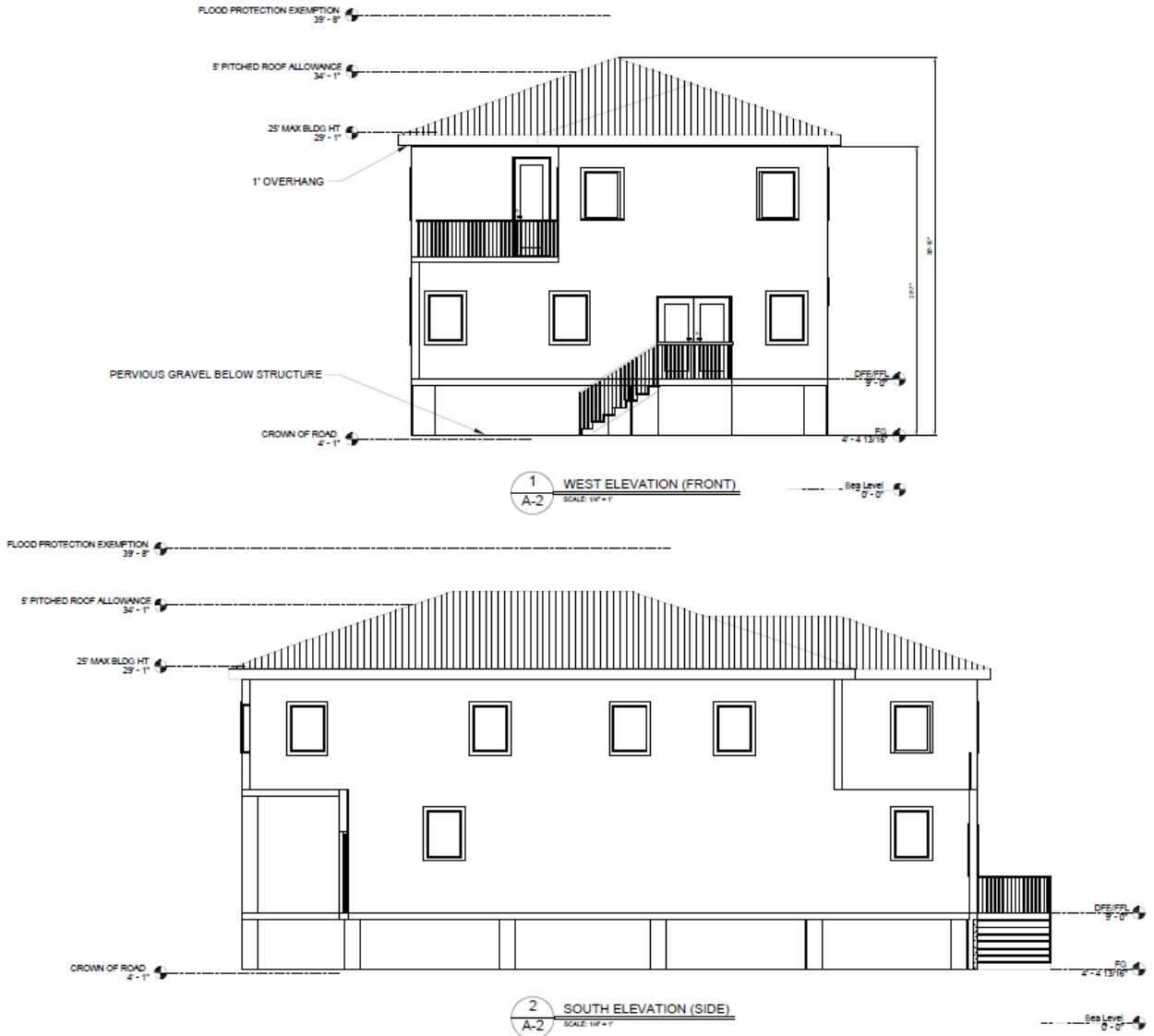
1015 Casa Marina Couty in September, 2023. Via City of Key West Building Department.

Request

The applicant is seeking variances to maximum building coverage, minimum rear setback, and minimum open space requirements in order to construct a 3,790 square-foot single-family dwelling and detached carport. The height of the proposed structure is 31' 1 13/16". This exceeds the maximum building height for the Single-Family zoning district but is permitted by the Flood Protection Building Height Exception per Section 122-1149. The front exterior staircases encroaches on the front yard setback but is a permitted encroachment per Section 122-1145(b)(1)(b). Variances are requested for:

- Rear Setback: Variance of 10'
- Building Coverage: Variance of 20.4%
- Open Space: Variance of 4%





ORIGINAL COVERAGES			PROPOSED COVERAGES		
BUILDING					
MAIN HOUSE	1,053 SF		MAIN HOUSE	2,300 SF	
REAR COVERED PORCH	172 SF		CARPORT	200 SF	
SHED	26 SF		FRONT PORCH	21	
FRONT COVERED PORCH	70 SF				
CARPORT	227 SF				
TOTAL		1,548 SF 31.0%	TOTAL		2,521 SF 50.4%
IMPERVIOUS					
STRUCTURES	1,548 SF		GRADE BEAMS (EST.)	378 SF	
CONCRETE PADS	418 SF		FRONT WALK/STAIRS	27 SF	
			DRIVE (INCL. CARPORT)	224 SF	
			REAR PATIO	304 SF	
TOTAL		1,966 SF 39.3%	TOTAL		933 SF 18.7%

Site Data Table

Note: The property is currently vacant. The "Existing" column of the site data table reflects the site data that existed prior to the involuntary destruction of the property.

Site Data Table:				
	Code Required	Existing	Proposed	Variance Request
Zoning	SF			
Minimum Lot Size/ Size of Site	8,000 SF	5,000		
Height	25'*	Unknown	31' 1.8"	No
Front Setback	20'	16'7"	23'	No
Side Setback (NE)	5'	3'3"	5'	No
Side Setback (NW)	5'	6'9"	5'	No
Rear Setback	25'	39'3"	15'	Yes 10 SF
Building Coverage	30%	31%	50.4% 2,521 SF	Yes 1,021 SF 20%
Impervious Surface	50%	39%	18.7%	No
Open Space	35%	61%	31%	Yes 204 SF 4%
Parking	1	1	1	No

**Subject to exceptions for pitched, non-habitable roofs and Floor Protection Building Height Exception.*

Process:

Planning Board Meeting: July 18, 2024

Local Appeal Period: 10 Days

Planning renders to DEO for review: Up to 45 days

Note: This item was originally scheduled for the June 20, 2024 Planning Board meeting but was postponed due to a public notice error.

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.*

There are no special conditions which are peculiar to the site involved which are not applicable to other sites in the same zoning district. There are other sites in the same zoning district with the same lot size, shape, and dimensions.

The property is located in one of two geographic areas in the SF zoning district with larger lot sizes and lower building coverage maximums.

The property is legally nonconforming with regard to minimum lot size. Section 122-31 provides that a dwelling may be erected on any legal nonconforming lot that existed as of January 1, 1994, and fails to meet the requirements for lot area, depth or width, provided however, that it meets all other zoning requirements. Therefore, the legal nonconforming status of this lot is not a special condition, but rather a condition that has been anticipated and provided for in the Land Development Regulations.

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 conditions were created by the applicant. The applicant purchased the lot in 2023. At that time, the lot was legally noncomplying and the provisions in Section 122-31, described above, were in effect. The applicant demolished the legally nonconforming dwelling. A new dwelling may be constructed without the need for a variance.

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 of the variance would confer the applicant the ability to develop the subject property without meeting the dimensional criteria that are applicable to other properties in the same zoning district.

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.

Hardship conditions do not exist. Literal interpretation of the land development regulations would still permit the applicant to construct a two-story, 3,000 square-foot dwelling.

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 requested is not the minimum variance 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.*

The dimensional regulations governing the SF zoning district are intended to protect the public interest and welfare, including protecting the quality and character of single-family neighborhoods and preserving open space. Granting a variance to these requirements when the need for a variance is self-imposed is not in harmony with the general intent and purpose of the land development regulations.

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 nonconforming uses of other properties is not proposed as a basis for approval.

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 or utility service capacity issues.

The Planning Board shall make factual findings regarding the following:

1. *That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.*

The standards established by Section 90-395 of the City Code **have not** been met by the applicant for the rear yard setback, building coverage, and open space variance request.

2. *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.*

No objections have been received at this time.

Recommendation:

The variance request to the rear yard setback, building coverage, and open space requirements does not meet all the criteria stated in Section 90-395. The Planning Department recommends that the request for a variance rear yard setback, building coverage, and open space requirements be **denied**.

If the Planning Board chooses to approve the variances, the Planning Department recommends the following conditions:

General Conditions:

1. The proposed design shall be consistent with the attached plans by Robert Hulec of Lakewood Engineering, signed and sealed on May 28, 2024
2. The applicant shall meet all stormwater management requirements of the Land Development Regulations prior to obtaining a Certificate of Occupancy for the proposed structures.