



THE CITY OF KEY WEST

PLANNING BOARD

Staff Report

To: Chairman and Planning Board Members

Through: Taylor Brown, Planning Director

From: Sheetal Almas, Planner I

Meeting Date: August 20, 2026

Application: **Variance – 1317 Sunset Drive (RE# 00067500-000000)**
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 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.

Request: The applicant requests variances to allow the reconstruction of an existing legal nonconforming two-family residential structure as an elevated two-family residential structure with increased building coverage, a reduced front yard setback, and an improved but noncompliant rear yard setback.

Applicant: Richard McChesney / Spottswood Law Firm

Property Owner: Christine Dejong

Zoning: Single Family (SF)



Background & Request

The subject property is located at 1317 Sunset Drive (RE# 00067500-000000) within the Single-Family (SF) zoning district. City records recognize the property as containing two residential dwelling units. While a two-family residential structure is a conditional use within the Single-Family (SF) zoning district, the existing structure was constructed in 1965, prior to the adoption of the current Single-Family zoning regulations, and is therefore recognized as a legal nonconforming use. On September 4, 2025, the existing two-family residential structure sustained significant damage as a result of a fire. Following the incident, the City's Substantial Damage Report determined that the structure sustained 75.6 percent damage.

The applicant proposes to reconstruct the existing legal nonconforming two-family residential structure as an elevated two-family residential structure in compliance with current FEMA requirements. The required elevation of the structure also necessitates stairs and access to the elevated residential units. The proposed site data identifies approximately 323.6 square feet of stair and walkway area as contributing to building coverage. The proposed redevelopment also improves on-site parking from one existing parking space to four parking spaces, providing the required two parking spaces per residential unit.

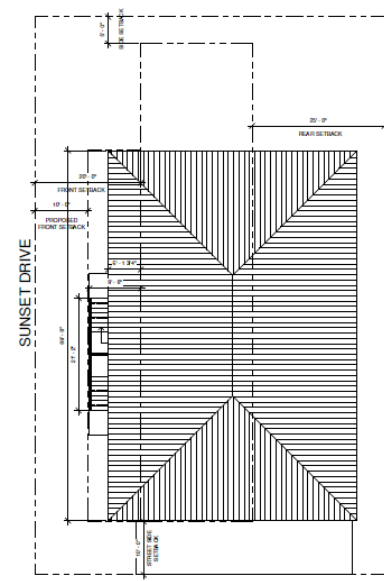
Based on information provided by the applicant, the existing structure contains approximately 1,878 square feet of living area, consisting of a 1,280-square-foot front unit and a 598-square-foot rear unit. The proposed structure would contain approximately 2,683 square feet of living area, consisting of a 1,456-square-foot front unit and a 1,227-square-foot rear unit, resulting in an increase of approximately 805 square feet of living area.

Pursuant to Section 122-28 of the Code of Ordinances, residential dwelling units may be reconstructed at their existing nonconforming density, location, and three-dimensional building envelope following involuntary destruction. The proposed reconstruction extends beyond the previous building envelope by increasing the building coverage and reducing the front yard setback from 20 feet to 10 feet. The proposed rear yard setback increases from 0 feet to 5 feet, reducing the degree of the existing rear-yard noncompliance; however, the proposed 5-foot setback remains below the 25-foot minimum requirement established in Section 122-238 of the Code of Ordinances. Therefore, variances are required from the maximum building coverage, minimum front yard setback, and minimum rear yard setback requirements to allow the proposed reconstruction.

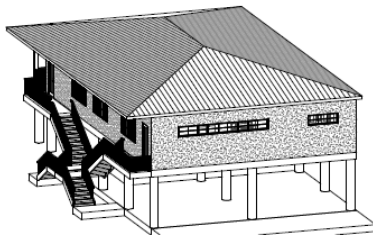
SITE DATA

Zoned	Permitted	Existing	Proposed	Variance?
Lot Size	6,000 sq ft.	6,931 sq ft.	No Change	No
Building Coverage	35% (2,425.9 sq. ft.)	33% (2,263.8 sq ft.)	39% (2,680 sq ft.)	Yes
Impervious Surface	50% (3,465.5 sq. ft.)	40%	27%	Improvement
Open Space	35%	60% (4,145 sq. ft.)	49% (3,397 sq. ft.)	No
Height	25 feet plus an additional five feet for non-habitable purposes	12'	28'-3.25"	No
SETBACKS				
Front Setback	30 feet (or no less than 20')	20'	10'	Yes
Street Side Setback	10'	25.2'	10'	No
Side Setback	5'	10.1'	25'	Improved
Rear Setback	25'	0'	5'	Yes (Improved)
Parking	2 Spaces/ Unit	1	4	Improved

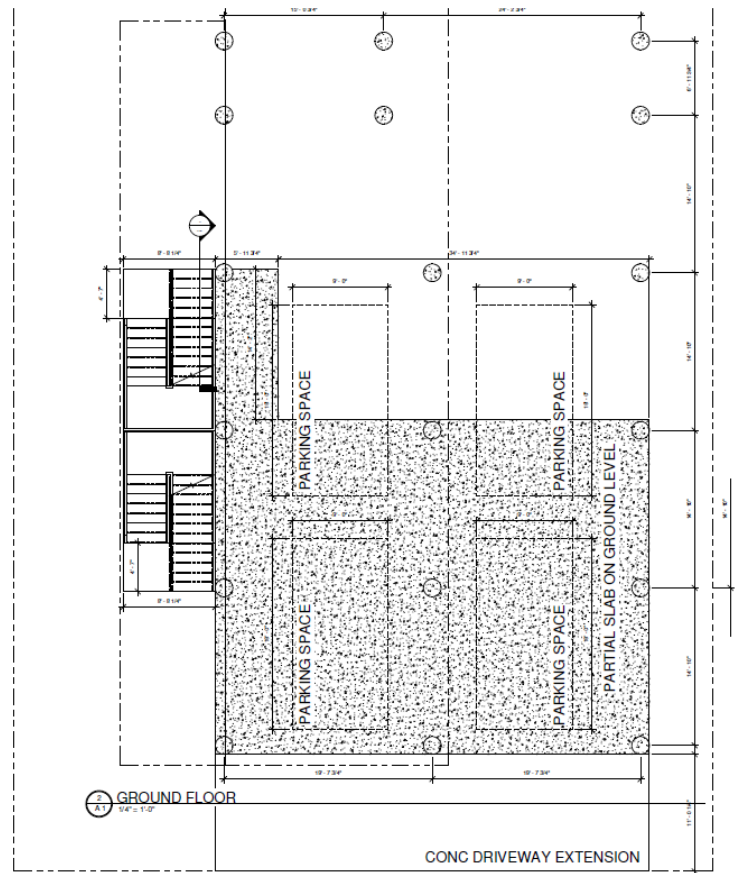
Survey



1 SITE PLAN
1/8" = 1'-0"

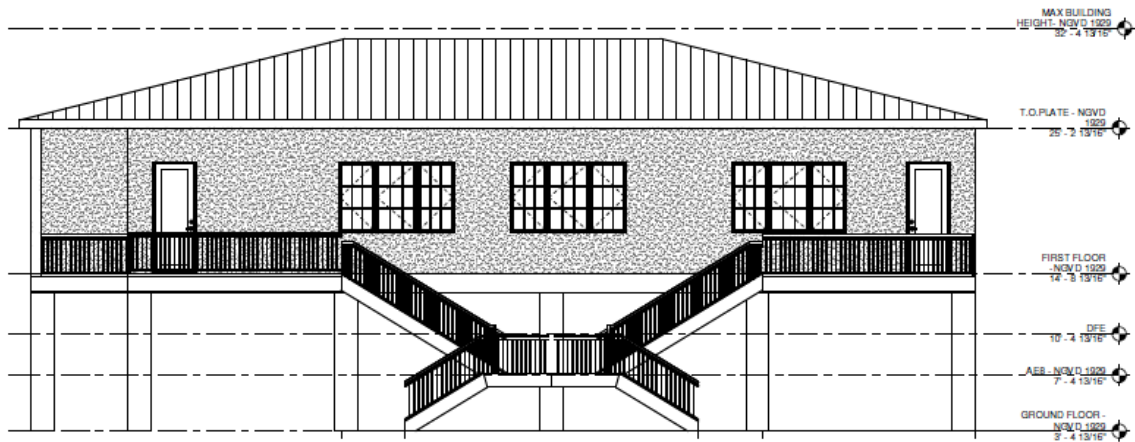


2 3DA
1/8" = 1'-0"

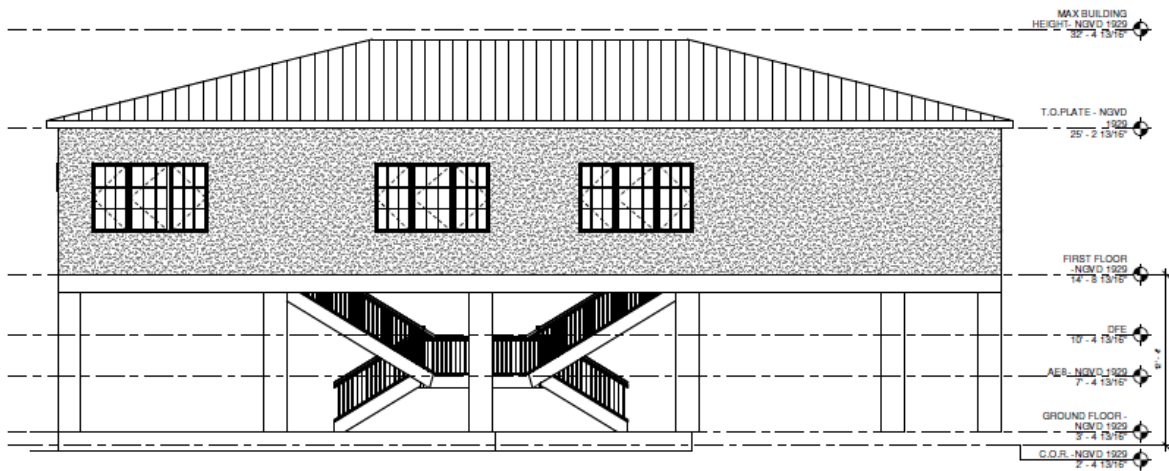


2 GROUND FLOOR
1/8" = 1'-0"

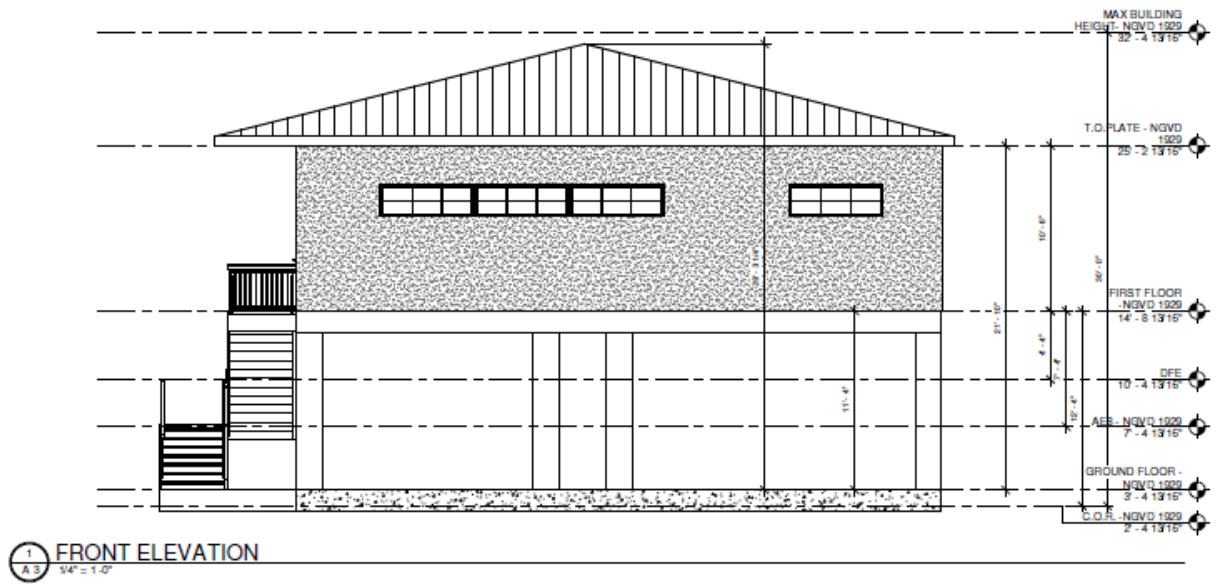
Elevations



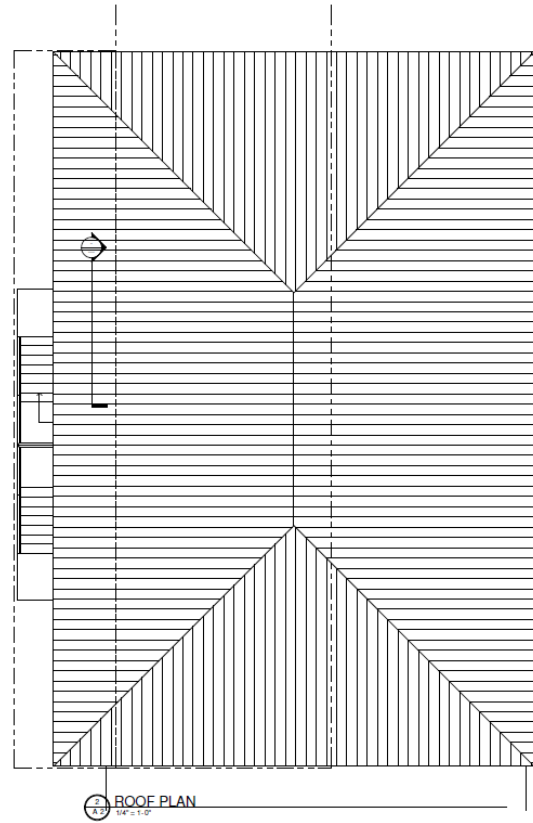
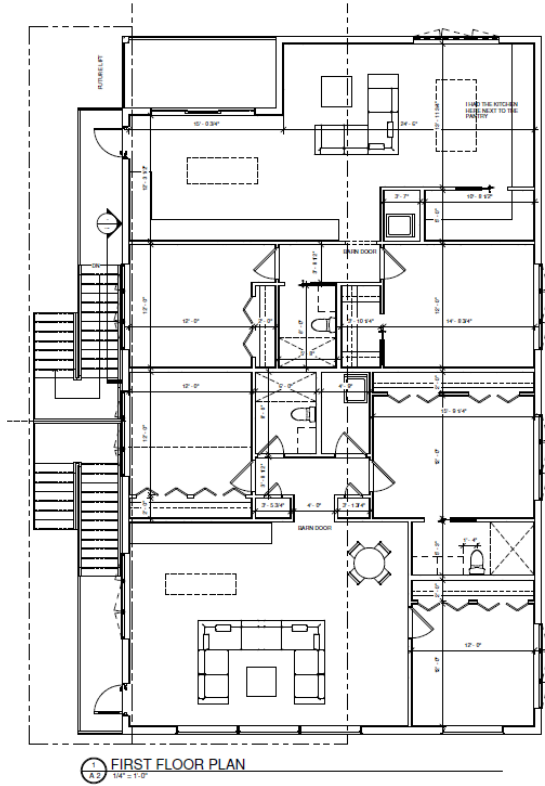
1 SIDE ELEVATION A
1/4" = 1'-0"



2 SIDE ELEVATION B
1/4" = 1'-0"



Floor Plan



Process:

Planning Board Meeting:	August 20, 2026
Local Appeal Period:	10 Days
Planning renders to DOC for review:	Up to 45 days

Staff 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.*

The subject property is affected by circumstances that influence its redevelopment, including substantial damage resulting from the fire, the existing legal nonconforming two-family residential use, the site's proximity to the waterfront, and the requirement to elevate the replacement structure in accordance with current FEMA requirements. The required elevation also necessitates stairs and access to the elevated residential units, which contribute to building coverage. While these conditions affect the proposed redevelopment, the application also includes an increase in living area and other design modifications. Based on the information provided, the record does not demonstrate that the full extent of the requested dimensional relief results from conditions peculiar to the property.

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 fire and resulting need to reconstruct the existing legal nonconforming two-family residential structure were not created by the action or negligence of the applicant. Additionally, the existing site conditions and the requirement to elevate the replacement structure in accordance with current FEMA requirements are not conditions created by the applicant.

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.*

The existing legal nonconforming two-family residential structure may be reconstructed following involuntary destruction. However, the applicant proposes to enlarge and reconfigure the structure beyond its previous building envelope, requiring relief from the dimensional standards applicable to the property. The information provided does not demonstrate 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.

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.*

The fire, required elevation of the replacement structure, existing site conditions, and legal nonconforming two-family residential use create constraints on redevelopment of the property. However, the existing residential dwelling units may be reconstructed following involuntary destruction. The proposed redevelopment also increases the living area from approximately 1,878 square feet to 2,683 square feet to provide additional living space and improved functionality. The information provided does not demonstrate that compliance with the applicable dimensional standards, or a design requiring less dimensional relief, would deprive the applicant of the reasonable residential use of the property.

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.*

While the fire, required elevation, and existing site conditions affect the redevelopment of the property, the proposed design also increases the living area from approximately 1,878 square feet to 2,683 square feet. The proposed rear yard setback improves the existing condition from 0 feet to 5 feet; however, the proposal also increases building coverage beyond the permitted maximum and reduces the existing front yard setback from 20 feet to 10 feet. A smaller or differently configured redevelopment could reduce the extent of the dimensional relief requested while maintaining the existing legal nonconforming two-

family residential use. Therefore, the requested variances have not been demonstrated to be the minimum necessary to make reasonable use of the property.

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 proposed reconstruction maintains the existing legal nonconforming two-family residential use and includes improvements to existing site conditions, including an increase in on-site parking from one (1) space to four (4) spaces, a reduction in impervious surface from 40 percent to 27 percent, an improved rear yard setback from zero (0) feet to five (5) feet, and an improved side yard setback from 10.1 feet to 25 feet. Based on the proposed site improvements, the requested variances are not anticipated to be injurious to the surrounding area or otherwise detrimental to the public interest or welfare.

IN COMPLIANCE

7. *Existing nonconforming uses of other property are 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.*

The requested variances are based on the conditions and proposed redevelopment of the subject property. Existing nonconforming uses, structures, or conditions on neighboring properties are not being used as a basis for the requested relief.

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

Staff found that the seven standards established by Section 90-395 of the City Code have not all been met, as the applicant has satisfied only three (3) of the seven (7) required standards for a variance.

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.*

While this is not a specific variance criterion, it is important to note that, as of August 14, 2026, staff has not received any letters of objection regarding the variance request.

Recommendation:

Staff recognizes that the proposed reconstruction results from substantial damage sustained by the existing legal nonconforming two-family residential structure following a fire and that the redevelopment is affected by current FEMA requirements and existing site conditions. The proposed redevelopment also provides several improvements to the property, including an increase in on-site parking from one (1) space to four (4) spaces, a reduction in impervious surface from 40 percent to 27 percent, an increase in the rear yard setback from zero (0) feet to five (5) feet, and an increase in the side yard setback from 10.1 feet to 25 feet. However, Section 90-395 of the Code of Ordinances requires all seven (7) variance criteria to be satisfied for approval, and staff is unable to make positive findings for all seven (7) required criteria. Therefore, staff recommends DENIAL of the requested variances from the maximum building coverage, minimum front yard setback, and minimum rear yard setback requirements for the proposed reconstruction at 1317 Sunset Drive.

General Conditions:

1. The proposed work shall be consistent with the attached signed and sealed plans dated July 29, 2026, by Erica Helen.