

THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report

**To:** Chairman and Planning Board Members

**Through:** Katie P. Halloran, Planning Director

**From:** Ben Gagnon, Planner I

**Meeting Date:** December 19, 2024

**Agenda Item:** **Variance – 1415 Rose Street (RE#00058910-000000)** – Applicant seeks a building coverage of 49% instead of the maximum permitted 35% to allow for the addition of a one bedroom, one bathroom elevated addition, attached to a single family residence located in the Single Family Zoning District (SF) pursuant to Sections 122-238 and 90-395 of the Land Development Regulations.

**Request:** A request for a building coverage variance to allow for the construction of a one bedroom one bathroom attached addition.

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**Property Owner:** Cindy Shi

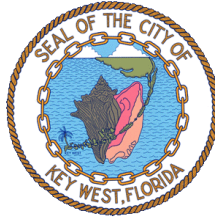
**Applicant:** Cindy Shi

**Location:** 1415 Rose Street

**Zoning:** Single Family (SF)

**Background**

This request was postponed at the September Planning Board meeting to allow the property owner an opportunity to address the concerns of the adjoining neighbor. The matter was postponed once more in November to allow additional time between the applicant and neighbor. The adjoining property owner expressed concerns over privacy, the size of the proposed addition, and the location of the exterior staircase. In addition, concern was expressed over the potential use of the addition as a lock-out unit.



The subject property is a single-family, single-story home located in the Single Family (SF) district. The property is adjacent to additional residential development to the north, west, and east.

The subject property maintains a lot area of approximately 6,000 square feet. The minimum lot size in SF is 6,000 square feet. The maximum building coverage is 35%. The property exists at a nonconforming coverage of 41% and the applicant is seeking to increase lot coverage to 49% - representing a relaxation of 40%.

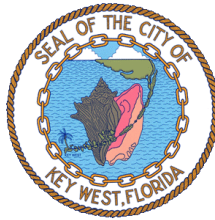
**Process:**

**Planning Board Meeting:** September 19<sup>th</sup>, 2024 (POSTPONED)  
**Planning Board Meeting:** November 21<sup>st</sup>, 2024 (POSTPONED)  
**Planning Board Meeting:** December 19<sup>th</sup>, 2024  
**HARC Meeting:** TBD  
**Local Appeal Period:** 10 Days

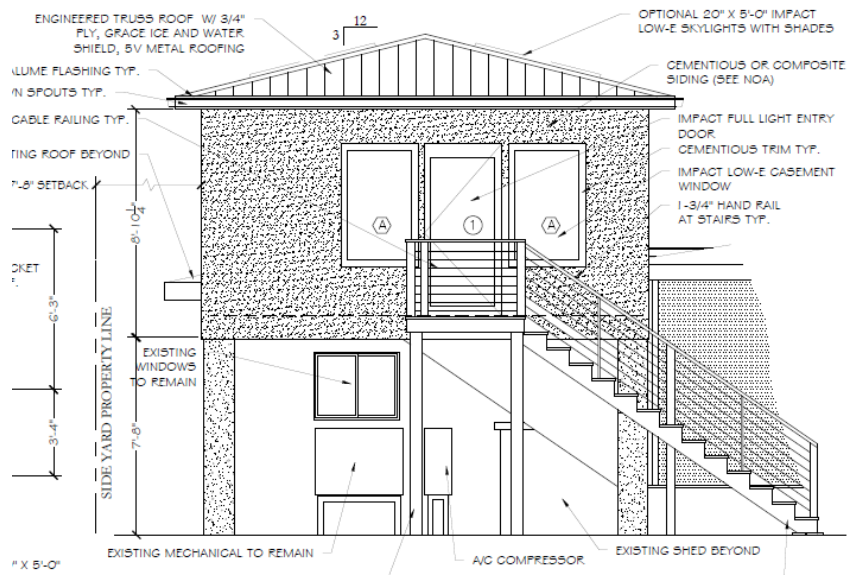
**Site Plans:**

<b><u>Code</u></b>	<b><u>Existing</u></b>	<b><u>Proposed</u></b>	<b><u>Variance Needed</u></b>
<b><u>Building Coverage 35%</u></b>	41% (2,557 sf)	49% (3,035 sf)	Yes 8% (478 sf)
<b><u>Impervious 50%</u></b>	65%	65%	No Change
<b><u>Front, Side, Rear Setbacks</u></b>	19.1' Front, 5.5' Side, 7.5' Side, 18.25' Rear	No Changes	No Changes

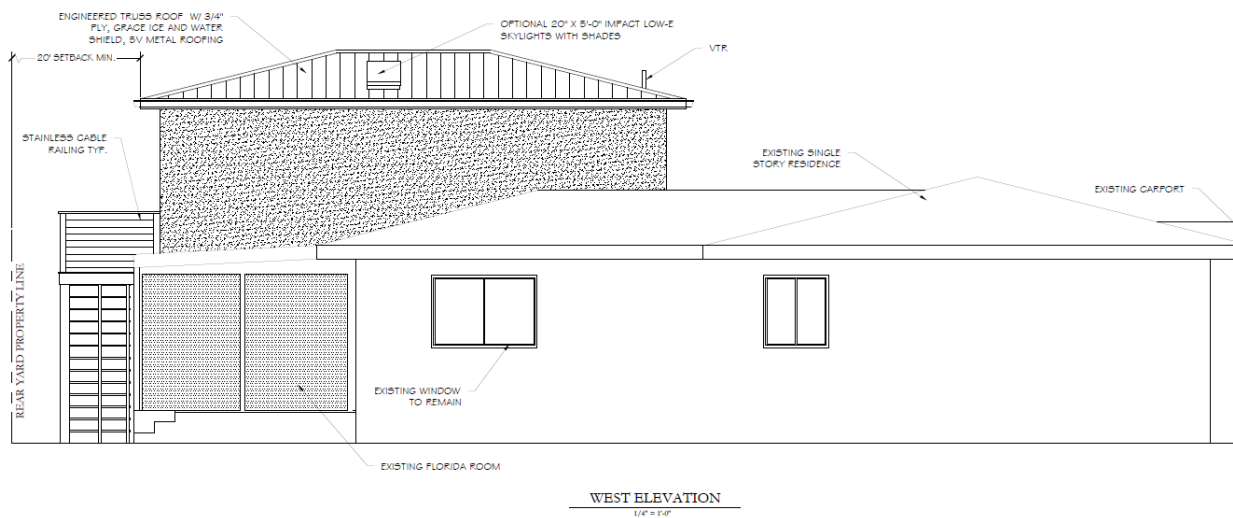




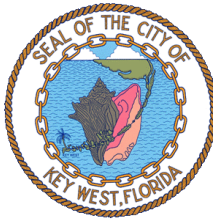
## Elevations:



## North Elevation



## West Elevation (view from neighbor's yard at 1413 Rose Street)



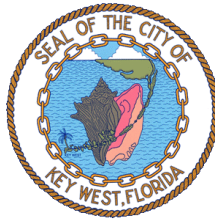
**Staff Analysis:**

Variances are governed by City Code Chapter 90 (Administration), Article V, Division 3 (Variances). Pursuant to Section 90-395 (Standards, findings), before any variance may be granted, the Planning Board must find all of 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.
- (2) Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.
- (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.
- (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.
- (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.
- (6) Not injurious to the public welfare. That the grant 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.
- (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.

Pursuant to Section 90-392 (b), "In granting such application the planning board must make specific affirmative findings respecting each of the matters specified in section 90-394 and may prescribe appropriate conditions and safeguards, including requirements in excess of those otherwise required by these land development regulations, which shall become a part of the terms under which a development order may be issued."

In addition, pursuant to Section 90-395, the Planning Board shall make factual findings regarding the following:



(1) That the standards established in subsection (a) have been met by the applicant 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.

### **Neighbor Comments**

As of November 1, 2024, staff has received five (5) letters of support and one (1) letter of objection. The neighbor who objected spoke at the September Planning Board hearing when this matter was postponed. Their concerns were over privacy pertaining to the height of the proposed addition and the view the applicant would have into their neighbors' yards. At the September 19<sup>th</sup> hearing and thereafter staff and the neighbor requested the remaining west and south elevations. Staff received these elevations, with the west inserted above.

In the last six weeks the objecting neighbor and the applicant worked together to further modify the plans from a large double doors and windows on the outdoor landing to a smaller single door and smaller landing.

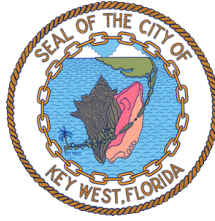
While the neighbor at 1413 Rose Street would rather it not be built at all, they are in agreement that the new plans as described above show an improvement from what was first proposed. We have reflected their request for some vegetation to be planted to screen the view into their pool in the conditions. The applicant has agreed to do so. Finally, the neighbor who objected would like to have their letter of objection be considered as withdrawn.

This report reflects the latest developments and changes to site plans and recommended conditions.

Staff has found that the application is not in compliance with the variance criteria contained within Section 90-395. Specifically, the house is already 17% over the maximum permitted building coverage. In addition, the variance requested is not the minimum necessary to maintain a reasonable use of the property and the hardship, if any, is self-created. Staff also has concerns about a potential lock-out unit being created through the construction of an elevated external staircase.

### **Recommendation:**

Planning staff respectfully recommends that the variance request be DENIED due to non-compliance with the criteria contained within Section 90-395 of the City Code. Should the board move to approve, we recommend it be subject to the following conditions:



1. The proposed development shall be in substantial compliance with the site plans signed, sealed and dated November 11, 2024 by WM Rowan Architecture, notwithstanding any revisions requested and recommended by staff. Construction drawings for permitting shall be dated as approved herein, with any proposed revisions (modifications) clearly noted.
2. Review and approval by the Fire Marshall for compliance with fire code.
3. Two (2) canopy trees from the Approved Dicot Tree Replacement List of at least 4' shall be planted and maintained in perpetuity along the west property line adjacent to the property at 1413 Rose Street prior to a Certificate of Occupancy being given for the addition. The trees shall be documented and submitted to the Planning Department.