

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: June 15, 2023

Agenda Item: **Variance – 3222 Riviera Drive (RE# 00069440-000000)** – A request for variances to the maximum building coverage requirement in order to build an addition to a single-family dwelling at a property located in the Single-Family zoning district, pursuant to Sections 90-395 and 122-238(4)a of the Land Development Regulations of the City of Key West, Florida.

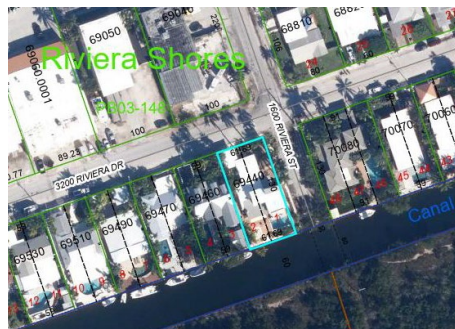
Request: A request for a variance to maximum building coverage in order to build an addition on a single-family home.

Applicant: Bradbury King

Property Owner: King 2010 Descendants Trust C/O William Hanna Bradbury King Co-Trustee

Location: 3222 Riviera Drive (RE# 00069440-000000)

Zoning: Single-Family Residential District



Background:

The subject property consists of an 8,020 square-foot parcel on the corner of Riviera Drive and Riviera Street. It contains a two-story single-family residential structure with 3,420 square feet of interior floor area and a 467 square-foot porch. The property also contains a pool and a 414 square-foot carport.

The property exceeds the 6,000 square-foot minimum lot size for the single-family district by 2,020 square feet, or approximately 33%. The lot is currently noncomplying with regard to impervious surface coverage, open space, building coverage, and front and street-side setbacks.

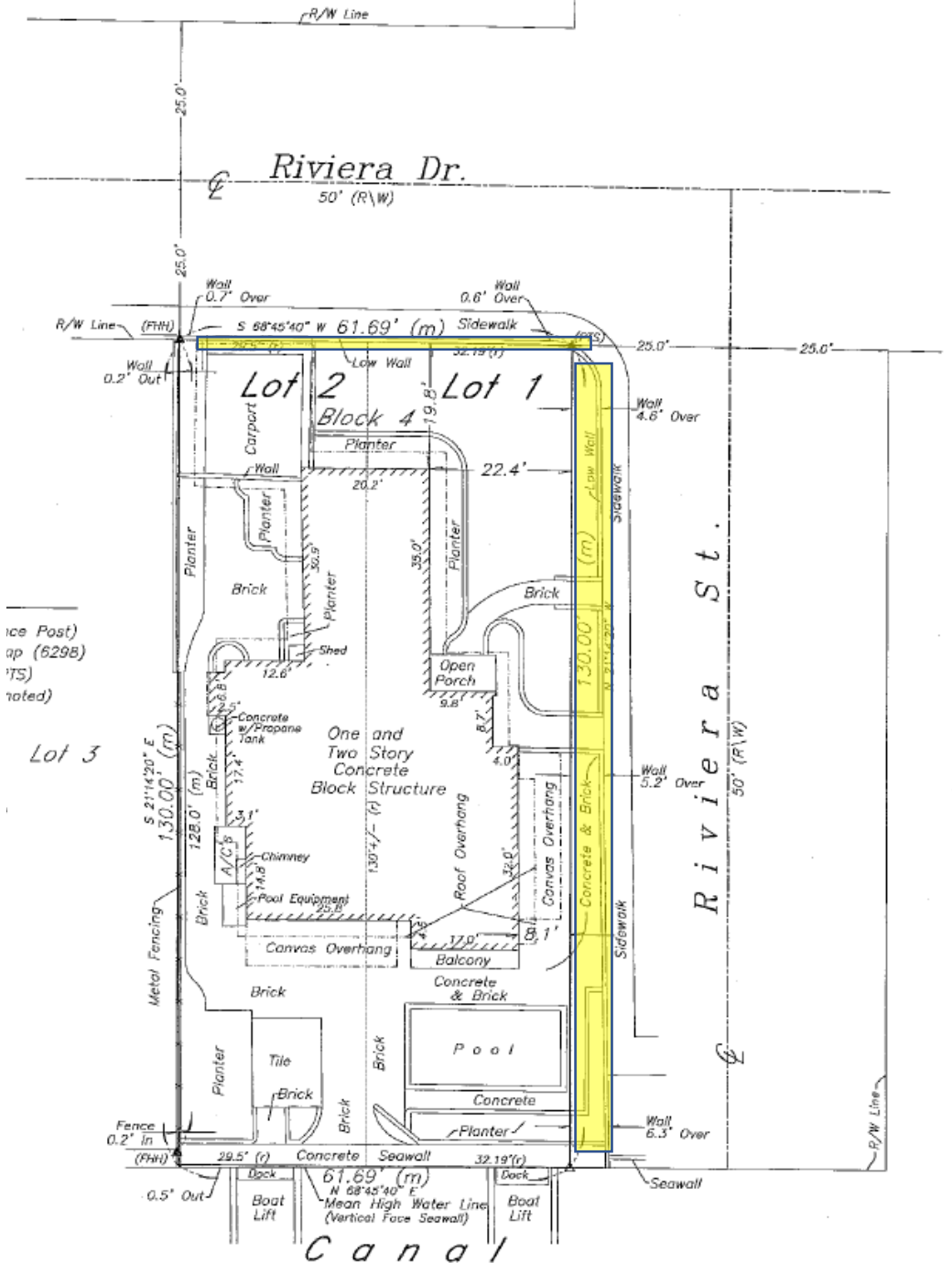
The applicant is requesting a variance to maximum building coverage in order to build a “playroom” with an attached half-bathroom.

The proposal would create an additional 419 square-feet of building coverage, bringing the site’s building coverage to 40.91%, which exceeds the 35% maximum for the district. A variance is not required for impervious surface coverage or open space because those dimensional characteristics would improve by 0.99% and 1.61%, respectively. Those improvements would be accomplished by removing a brick paver walkway on the west side of the house and replacing it with gravel. No change to the front or street-side setback is proposed. The existing front setback is 19’8” on the north side of the parcel. There is a structural wall at the rear of the carport that is integrated with the main structure on the north side of the parcel. That wall is proposed to be reconstructed in the same footprint to form the north wall of the proposed addition.

Concrete walls on the east and north side of the property encroaches approximately 5.2’ into the City right-of-way, which can be seen in the survey below. No easements exist for those encroachments.

Property Survey

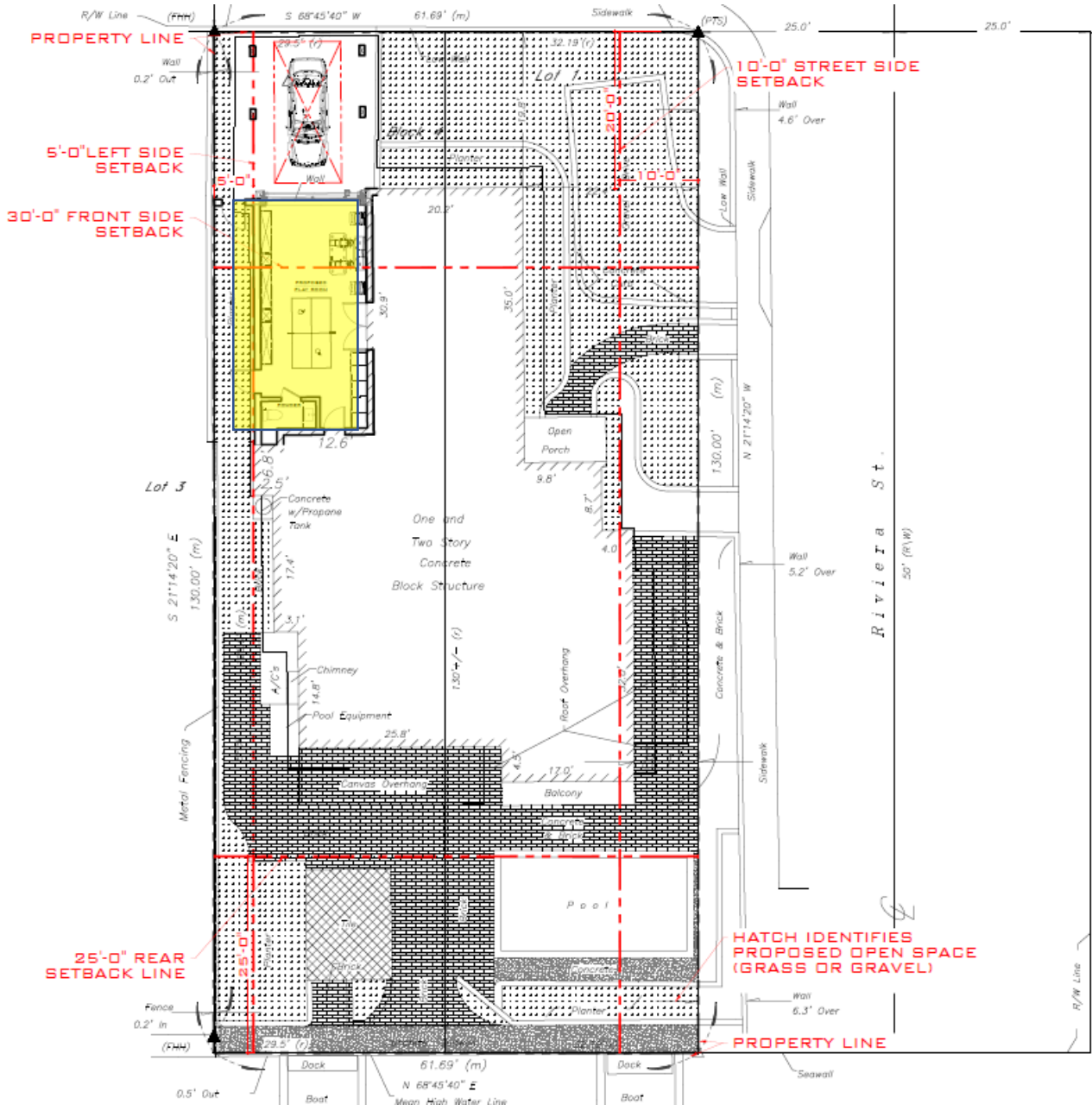
Boundary Survey Map of Lots 1 & 2, Block 4, RIVIERA SHORES SUBDIVISION, Island of Key West



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Lot 3

Proposed site plan; addition highlighted.



Site Data Table

The site data table below provides the current and proposed site data for the property. Variances are proposed for maximum building coverage.

Site Data Table:				
	Code Required	Existing	Proposed	Variance Request
Zoning	SF			
Flood Zone	AE8			
Minimum Lot Size/ Size of Site	6,000 SF	8,020 SF		
Front Setback	30' (or average of lots within 100', not <20')	19'8"	19'8"	No
Side Setback	5	5'	5'	No
Street Side Setback	10'	8'1"	8'1"	No
Rear Setback	25	31'5"	31'5"	No
Building Coverage	35% (2,807 SF)	35.69% (2,862.0)	40.91% (3,281.0 SF)	Yes (5.22%, or 419 S
Impervious Surface	50%	74.68%	73.69%	No (Improvement of 0.99%, or 80 SF)
Open Space	35%	45.6%	46.3%	No (Improvement of 1.61%, or 129.4 SF)
Parking	1	1	1	No

Based on the plans submitted, the proposed design would require variances to the following requirements:

- A variance for building coverage would be required to accommodate the addition of a playroom.

Process:

Planning Board Meeting:	June 15, 2023
Local Appeal Period:	10 Days
Planning renders to DEO for review:	Up to 45 days

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.*

No 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 lot exceeds the maximum lot size for the zoning district by 33%, or 2,020 square feet. This allows the property to accommodate a larger structure than would a site that only meets the minimum lot size requirement.

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 that would trigger a variance requirement are created by the applicant's request to build an addition on the home.

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 the variance requested will confer upon the applicant special privileges denied by the land development regulations to other lands, buildings, or structures in the same zoning district, in terms of the right to develop in excess of maximum building coverage requirements.

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. The property currently accommodates a 3,420 square-foot home, carport, and pool. The request is for the addition of a recreational room.

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. The property currently accommodates a 3,420 square-foot home, carport, and pool. The property could accommodate an addition on the second floor without triggering a variance for building coverage.

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.*

Granting of the variance will not be in harmony with the general intent and purpose of the land development regulations, which specify maximum building coverage requirements in furtherance of the public welfare.

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.*

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 is considered grounds for the issuance of a variance.

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:

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 building coverage variance request.

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.

The applicant has provided a letter of support from the adjacent property owners at 3220 Riviera Drive. The Planning Department has not received any objections of neighboring property owners.

Recommendation:

The variance request to the required building coverage does not meet all the criteria stated in Section 90-395. The Planning Department recommends that the request for a variance to maximum building coverage 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 plans signed, sealed, and dated, May 20, 2023, by Serge Mashtakov, PE of Artibus Design for the property located at 3222 Riviera Drive.
2. The property owner shall obtain an easement for any existing encroachments onto City right-of-way.