



**THE CITY OF KEY WEST**

**PLANNING BOARD**

**Staff Report**

**To:** Chairman and Planning Board Members

**Through:** Taylor Brown, Planning Director

**From:** James Singelyn, Senior Planner

**Meeting Date:** June 18, 2026

**Application:** **Variance – 624 United Street (RE# 00036450-000000)**  
A request for a variance from the minimum side yard setback requirements to allow the relocation of an existing residential structure forward on the property located in the Historic Residential Office (HRO) zoning district, pursuant to Sections 90-395 and 122-32(a) of the Code of Ordinances of the City of Key West, Florida.

**Request:** The applicant requests a variance to relocate an existing residential structure approximately 23 feet 8 inches forward on the lot. The proposed relocation would reduce the existing side setback encroachments by 1 foot 5 inches along the west property line and by 2 feet 5 inches along the Elizabeth Street frontage, thereby decreasing the overall degree of nonconformity.

**Applicant:** Greg Oropeza

**Property Owner:** Kingsley Girl LLC.

**Zoning:** Historic Residential Office (HRO)



## **Background & Request**

The existing residence located at 624 United Street is legally nonconforming with respect to required yard setbacks under the City of Key West Land Development Regulations (LDRs). The structure predates the adoption of the applicable setback requirements and is therefore permitted to remain in its current nonconforming condition.

The applicant contends that a variance is not required for the proposed improvements, citing Section 122-32 of the LDRs, which allows for alterations to nonconforming structures without variance approval, provided such alterations reduce the degree of noncompliance. Staff is in agreement that the proposed design would result in a measurable reduction in the extent of the existing setback encroachment.

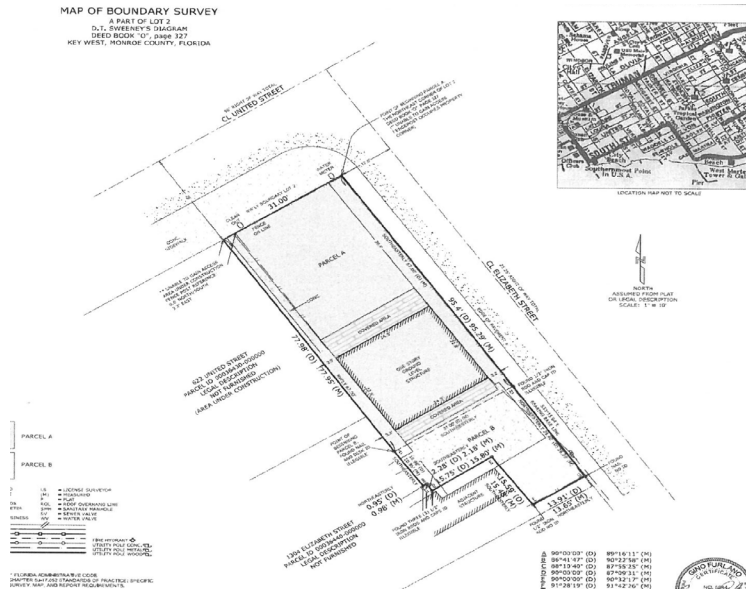
However, the proposal also includes the relocation of the structure from its existing footprint. While Section 122-32 permits modifications that lessen the degree of nonconformity, it does not authorize the relocation of a nonconforming structure in a manner that establishes a new building footprint. Relocating the structure effectively results in the reestablishment of the nonconforming condition at a different location on the lot, which constitutes a reconfiguration of the nonconformity rather than a simple reduction.

Accordingly, although the proposed design reduces the degree of noncompliance, the act of relocating the structure requires variance approval, as the relief sought extends beyond an in-place alteration and instead involves a shift in the structure's established footprint.

# Site Data Table

| Category                        | Code Requirement | Existing    | Proposed   | Variance Request |
|---------------------------------|------------------|-------------|------------|------------------|
| Size of Site                    | 40' x 90' (MIN)  |             |            |                  |
| Height                          | 30' 0"           | 13' 11" +/- | 15' 3" +/- | No               |
| Front Setback                   | 5'               | 33' 4 1/2"  | 9' 6 1/2"  | No               |
| Side Setback (Elizabeth Street) | 5'               | 3' 1 1/2"   | 3' 3 3/4"  | Yes              |
| Side Setback (West)             | 5'               | 2' 10 1/2"  | 3' 0"      | Yes              |
| Rear Setback                    | 10'              | 12' 10"     | 36' 5 1/2" | No               |
| Building Coverage               | 50%              | 30.3%       | 42.7%      | No               |
| Impervious Surface              | 60%              | 46.83%      | 46.83%     | No               |
| Open Space / Landscaping        | 35%              | 50%         | 40.5%      | No               |

## Survey



## Process:

Planning Board Meeting: June 18, 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 applicant suggests that a special condition exists because the location of the house and its existing encroachments into the required side setbacks predate the current ownership of the property and were not created by the applicant. The applicant further contends that the structure's longstanding placement within the side setbacks constitutes a peculiar circumstance unique to the property. While staff acknowledges that the structure is legally nonconforming due to its historic placement on the lot, staff does not find that circumstance alone creates a hardship sufficient to justify the relocation and reestablishment of the nonconforming footprint.

#### **NOT IN COMPLIANCE**

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

The applicant did not create the existing conditions. The encroachments existed before they owned the property.

#### **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.*

Special privileges would not be conferred on the applicant as they are trying to improve the setback encroachments.

#### **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.*

Literal interpretation of the provisions of the land development regulations would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. All properties in the zoning district are subject to the same setback requirements.

**NOT IN COMPLIANCE**

5. *Only minimum variance granted. That the variance granted is the minimum variance that will make possible reasonable use of the land, building, or structure.*

The requested variance represents the minimum relief necessary to accomplish the applicant's proposed relocation while reducing the degree of the existing nonconformity.

**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 variance is not likely to be injurious to the area involved or otherwise detrimental to the public interest.

**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 are not the basis of this request.

**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.*

Staff finds that the standards established by Section 90-395 of the City Code have not been met by the applicant.

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 not a strict variance criterion, it is important to note for the report that as of June 15th, staff has received no letters of objection and no letters of support for this item.

### **Recommendation:**

The Comprehensive Plan encourages development patterns that maintain appropriate open space and separation between residential structures. While the proposed relocation would reduce the overall degree of the existing setback nonconformity, the proposal would establish a relocated building footprint that continues to encroach into the required side setbacks. Staff finds that the requested relief extends beyond a simple in-place reduction of a nonconforming condition and therefore cannot be authorized solely through Section 122-32(a) without variance approval.

The variance request from the minimum required side yard setbacks to allow the relocation of an existing residential structure approximately 23 feet 8 inches forward on the property, while reducing the existing setback encroachments by 1 foot 5 inches on the west side and 2 feet 5 inches on the Elizabeth Street side of the property, does not meet all of the criteria established in Section 90-395 of the Code of Ordinances. Therefore, the Planning Department recommends that the request for a variance be **DENIED**.

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

### **General Conditions:**

1. The proposed work shall be consistent with the attached signed and sealed plans on April 6, 2026, by T.S. Neal Architect Inc.