



## MEMORANDUM

---

Date: March 5, 2026

To: Honorable Chair and Board of Adjustment Members

Via: Brian L. Barroso  
City Manager

CC: Patrick Wright  
Growth Management Division Director

From: Taylor Brown  
City Planner

Subject: **File 26-5075 - Variance – 3990 S Roosevelt Blvd (RE# 00066180-000700)-** A request for a variance to allow an increase in the maximum height from 40-feet to 50-feet to permit the construction of HVAC equipment on an existing roof on property located within the High Density Residential (HDR) Zoning District pursuant to Sections 90-391 and 90-395 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; and City of Key West Charter, Article I, Section 1.05.

---

### **Introduction**

To consider a height variance of 10' for mechanical equipment (HVAC) on the existing rooftop of the Doubletree Hotel.

### **Background**

This request for a height variance is associated with the redevelopment of the Doubletree Hotel.

A height variance for non-habitable space is being proposed as the minimum variance required to accommodate mechanical (HVAC) equipment.

The subject property currently contains a five-story hotel constructed in the year 2000.

The subject property lies within a Special Flood Hazard Area, requiring the structure to be elevated in accordance with the City's adopted floodplain management standards, which mandate elevation of new and substantially improved structures to at least one foot above Base Flood Elevation (BFE).

The existing HVAC units providing make-up air for ventilation to the guest floors of the hotel consist of four (4) heat pump units located beneath the first-floor slab. This mechanical equipment has reached the end of its useful life and needs to be replaced.

After a thorough assessment of the current code requirements for the design flood elevation and a review of multiple equipment options for the new air-source heat pump units, it was determined that the new units could not be installed beneath the first-floor slab. If the new units were installed in the same location as the existing units, they would be partially submerged during a major flood event and would not withstand these harsh conditions. They would not meet the current flood elevation requirements.

To meet code requirements and address the above challenges, the project team developed an alternative solution that consisted of installing four (4) new air-cooled heat pump units on the main roof of the building. This solution was deemed the most practical, cost-effective, and least disruptive to the business. The proposed design meets the code requirements for both flood elevation and wind load ratings.

The applicant requests a ten-foot height variance to allow placement of mechanical HVAC equipment above the existing roofline. The maximum building height permitted by right within the High Density Residential (HDR) zoning district is 40 feet. The existing building exceeds the 40-foot height limitation and is therefore legally nonconforming as to height. The proposed HVAC equipment would project above the current roofline to a total height of 50 feet. Height variances are reviewed and decided by the Board of Adjustment pursuant to Section 1.05(b) of the City Charter.

**City Charter Section 1.05, Height Restriction:**

Pursuant to City Charter Section 1.05(b), height variances for non-habitable purposes, including but not limited to mechanical equipment and similar appurtenances, may be approved by the Board of Adjustment and shall be final and not subject to voter referendum.

**Analysis – Evaluation for Compliance with The Land Development Regulations:**

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. The Board of Adjustment, before granting a variance, 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.**

Other buildings in the HDR district are subject to the same 40-foot maximum height.

**NOT COMPLIANT**

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

Through the proposal to construct HVAC equipment above the maximum allowable height, the applicant is creating the condition that results in the need for a variance. The current maximum allowable height is 40 feet. The proposed HVAC equipment would be constructed above this height.

**NOT COMPLIANT**

- 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 requested variance will confer special privileges to the applicant in the form of increased building height denied to other lands, buildings, or structures in the HDR district.

**NOT COMPLIANT**

- 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 applicant indicates that a hardship exists in the form of the maximum allowable height being too low to construct HVAC equipment. Under Section 90-395, hardship must stem from special conditions peculiar to the property and not from the proposal itself. Due to this, a hardship does not exist.

**NOT COMPLIANT**

- 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 applicant provides that the requested variance is the minimum needed to construct the proposed HVAC equipment. The proposed increase is from 40 feet to 50 feet. Since the applicant did not fully demonstrate an alternative that would comply with the existing maximum allowable height, the Planning Department believes that the requested variance is not the minimum needed.

**NOT COMPLIANT**

- 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.**

While installing HVAC equipment itself would not be injurious to the public welfare, increasing the maximum allowable height is inconsistent with the intent of the HDR district and surrounding context.

**NOT COMPLIANT**

- 7. Existing nonconforming uses of other property shall not be considered as 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.**

This application does not rely on other nonconforming lots and structures as justification.

**COMPLIANT**

**Pursuant to Code Section 90-395(b), the Board of Adjustment 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 applicant does not meet the standards established by the City Code 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.**

As of the writing of this report, Staff has received one objection to the requested variance. The objection was received from James and Kathleen Dulcey, property owners at 3635 Seaside Drive, Unit 411, Key West, FL 33040. The text of their objection is included in the application attachments.

### **Recommendation**

Planning Department staff, based on the criteria established by the Comprehensive Plan and codified within the Land Development Regulations, recommends that the request for a variance be **DENIED**.

However, should the Board of Adjustment make findings in support of granting the requested variance, Planning staff recommend the following condition be included in any motion for approval.

1. The proposed construction shall be consistent with the plans signed, sealed, and dated March 31, 2025, by Shrenik R. Ajmera, PE.