

**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Melissa Paul-Leto, Planner I

Meeting Date: April 22, 2021

Agenda Item: **Variance – 814 Catherine Street – (RE# 00029620-000000)** - A request for a variance to the maximum building coverage, and minimum side yard setbacks in order to construct a side addition to the single family residence on property located within the Historic Medium Density Residential (HMDR) zoning district pursuant to sections 90-395, 122-600 (4) a., and 122-600 (6) b., of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: The applicant is proposing to construct a side addition.

Applicant: Michael Ingram

Property Owner: John August Nolte

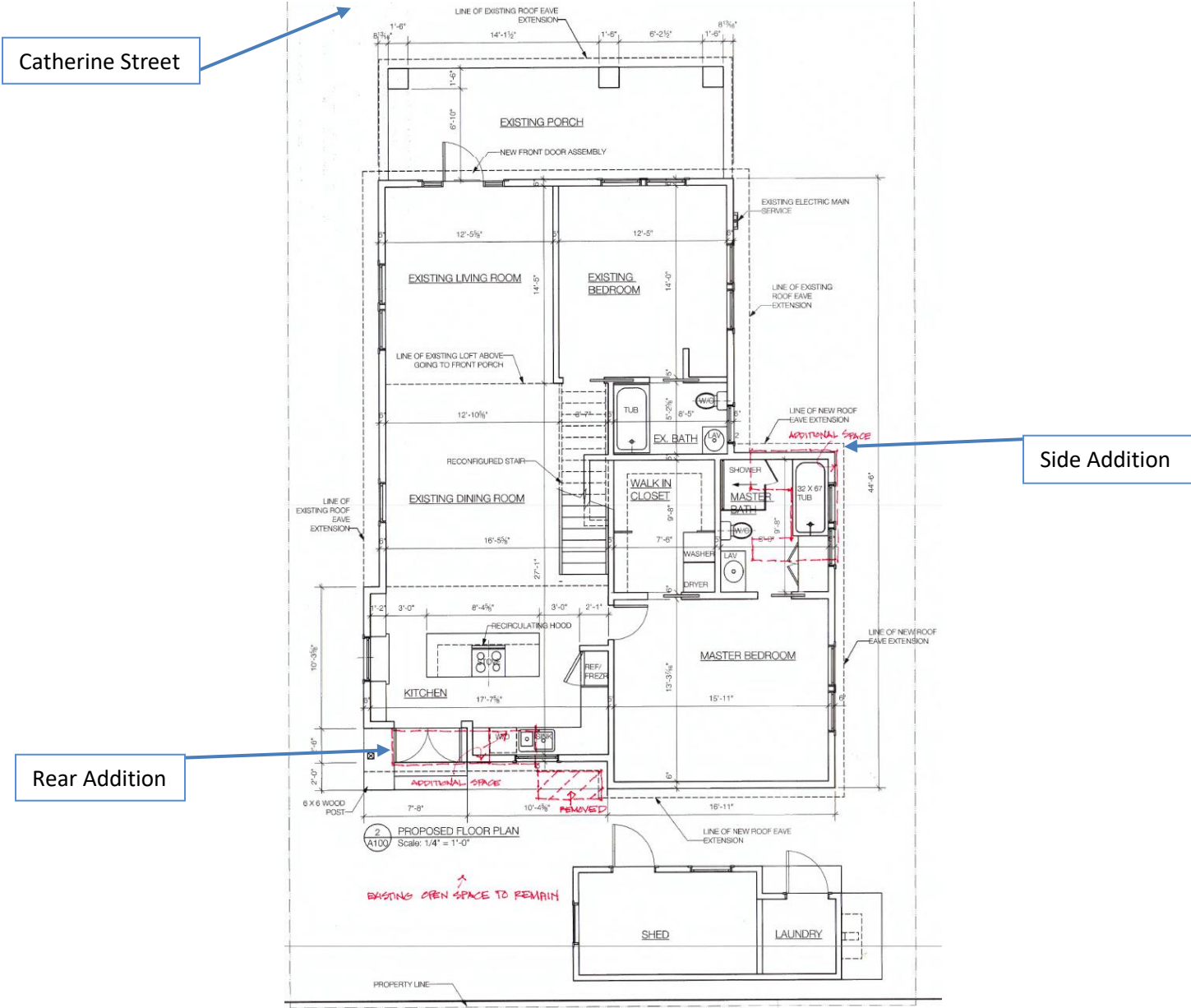
Location: 814 Catherine Street – (RE# 00029620-000000)

Zoning: Historic Medium Density Residential (HMDR) zoning district



Background/Request:

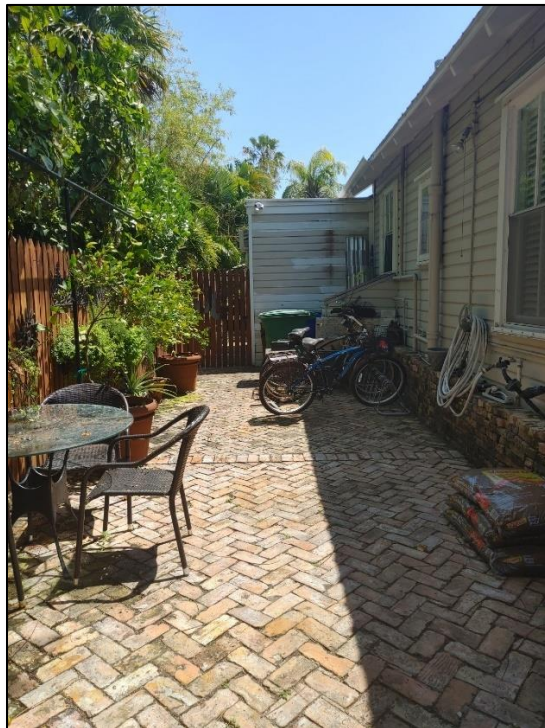
The subject property is located near the corner of Royal Street, facing Catherine Street. The parcel size is 4,278 square feet and is one lot of record. There is a one-story framed residence located on the property that was built in 1943 and is a contributing resource to the historic district. The proposed site plan indicates the rear screened in porch would be walled in and an additional 26.25 square feet would be added to the rear of the residence to convert the porch into a kitchen space. The east side portion of the residence is currently encroaching into the minimum side setback. The proposed addition to the side would expand the roofline encroachment an additional 9 feet 6 inches. The roof on the side portion of which is encroaching with a flat roof would be reconstructed to a pitched roof. Thus, resulting in raising the three-dimensional footprint.



814 Catherine Street – Proposed Site Plan



814 Catherine Street -The existing screened porch would be enclosed and included in the proposed addition to convert into kitchen space.



814 Catherine Street – A proposed addition connecting to the front of the side addition for a bathroom space.



814 Catherine Street – Existing North elevation



814 Catherine Street – Proposed North Elevation

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

- The required maximum building coverage in the (HMDR) zoning district is 40 percent, or 1,711.2 square feet. The existing building coverage on the site is 53.6 percent, or 2,267.3 square feet. The applicant is proposing 56 percent, or 2,395 square feet.
- The minimum side yard setback in the (HMDR) zoning district is 5 feet. The existing side yard setback is 4 feet 6 inches. The applicant is proposing to expand the three-dimensional envelope of the structure located within the setback of 4 feet 6 inches.

Relevant HMDR Zoning District Dimensional Requirements: Code Section 122-600

Dimensional Requirement	Required/Allowed	Existing	Proposed	Change / Variance Required?
Flood Zone	X			
Maximum Height	30 feet	18 feet 6 inches	18 feet 6 inches	In compliance
Minimum Lot Size	4,000 SF	4,278 SF	4,278 SF	In compliance
Maximum Building Coverage	40 % 1,711.2 SF	53.6 % 2,267.3 SF	56 % 2,395.6 SF	Variance Required 16% or +684.4
Maximum Impervious Surface Ratio	60 % 2,566.7 SF	81% 3,465.1 SF	81% 3,465.1 SF	Existing non-conformity
Minimum Open Space	35 % 1,497.3 SF	19 % 812.82 SF	19 % 812.82 SF	Existing non-conformity
Minimum Front Yard Setback	10 feet	22 feet	22 feet	In compliance
Minimum E Side Yard Setback	5 feet	4 feet 6 inches	4 feet 6 inches	Variance Required -6 inches
Minimum W Side Yard Setback	5 feet	6 feet	6 feet	In compliance
Minimum Rear Yard Setback	15 feet	2 feet	2 feet	Existing non-conformity

Process:

Planning Board Meeting:

April 22, 2021

Local Appeal Period:

30 days

DEO Review Period:

up to 45 days

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 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 current lot size is more than the minimum required for the (HMDR) zoning district. They are requesting to increase their existing building coverage noncompliance by 2.4%. The parcel is currently non-conforming with building coverage and to the minimum side yard setback. Therefore, there are no special conditions or circumstances.

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.***

This variance request is a result of the actions of the applicant proposing to construct an addition to the rear and side yards of the principal structure and replace an existing flat roof which is located within the side yard setback with a pitched roof which follows the existing setback encroachment.

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.***

Section 122-27 of the Land Development Regulations discourages the expansion of site nonconformities. Therefore, allowing an addition to be constructed in an area that is already encroaching into the side setback, and allowing for more building coverage on the property when it is already nonconforming to the maximum building coverage would confer special privileges upon the applicant.

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.***

Denial of the requested variance would not deprive the applicant of rights commonly enjoyed by other properties in the HMDR zoning district. The property owner may choose to redesign the existing interior space to incorporate the need for a larger kitchen and bathroom without constructing additions. Therefore, hardship conditions do not exist.

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 request is not the minimum required that will make possible the reasonable use of the land, building, or structure.

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.***

Due to not following all the standards for considering variances, the granting of the requested variances may be injurious to the area involved and otherwise detrimental to the public interest.

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.***

Existing non-conforming uses of other properties, use of neighboring lands, structures, or buildings in the same district, or other zoning districts, are not the basis for 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 capacity issues.

The Planning Board shall make factual findings regarding the following:

The standards established by Section 90-395 of the City Code have not been fully met by the applicant for the variances requested.

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 Planning Department has no letter of support for the variance requests as of the date of this report.

Pursuant to Code Section 90-392, in granting such application the Planning Board must make specific affirmative findings respecting each of the matters specified in Code Section 90-394.

The planning board shall not grant a variance to permit a use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district.

No use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district would be permitted.

No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

No such grounds were considered.

No variance shall be granted that increases or has the effect of increasing density or intensity of a use beyond that permitted by the comprehensive plan or these LDRs.

No density or intensity of a use would be increased beyond that permitted by the comprehensive plan or these LDRs.

RECOMMENDATION:

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variances be **denied**.

If Planning Board chooses to approve the request for variances, then staff suggests the following condition:

1. The proposed design shall be consistent with the plans dated, January 8, 2021 by Michael Ingram R.A.