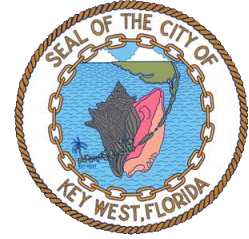


**THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report**



**To:** Chair and Planning Board Members

**From:** Melissa Paul-Leto, Planner Analyst

**Through:** Thaddeus Cohen, Planning Director

**Meeting Date:** January 21, 2016

**Agenda Item:** **Variance – 706 Catherine Street (RE# 00030900-000109; AK# 8761708)** – A request for a variance to maximum building coverage and side setback requirements in order to construct a two story residential addition located within the Historic Medium Density Residential (HMDR) Zoning District pursuant to Sections 122-600(4) a., 122-600(6) b., of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Request:** A request to variances for maximum building coverage and minimum side setback requirements.

**Applicant:** William Vogan

**Property Owners:** William & Estaleda Vogan

**Location:** 706 Catherine Street (RE# 00030900-000109; AK# 8761708)

**Zoning:** Historic Medium Density Residential (HMDR)



**Background:**

This subject property is located within the HMDR zoning district. The property consists of a two story single family residence. The applicant is proposing a two story addition to the left side of the structure. There will be five feet access to the left side of the property from the eve line. The variance is for 6 inches to the building.

| <b>Relevant HMDR Zoning District Dimensional Requirements: Code Section 122-600</b> |                            |                         |  |   |
|---|----------------------------|-------------------------|--|---|
| <b>Dimensional Requirement</b>  | <b>Required/ Allowed</b>   | <b>Existing</b>         | <b>Proposed</b>  | <b>Change / Variance Required?</b>                                    |
| Maximum density   | 16 dwelling units per acre | 1 unit                  | 1 unit   | Complies  |
| Maximum floor area ratio  | 1.00                       | None                    | None   | No change   |
| Maximum height  | 30 feet                    | 24 feet                 | 24feet   | Complies  |
| <b>Maximum building coverage</b>  | <b>40%</b>                 | <b>33.6%<br/>720 SF</b> | <b>46.4%<br/>269 SF<br/>(Addition)<br/>Total: 989 SF</b> | <b>Variance Required</b>  |
| Maximum impervious surface  | 60%                        | 33.6%<br>776 SF         | 45%<br>1,043 SF  | Complies  |
| Minimum lot size  | 4,000 SF                   | 2,148 SF                | 2,148 SF   | No change / Non-conforming  |
| Minimum lot width   | 40 feet                    | 37 feet                 | 37 feet  | Complies  |
| Minimum lot depth   | 90 feet                    | 58 feet                 | 58 feet  | Complies  |
| Minimum front setback   | 10 feet                    | 14 feet 9 inches        | 14 feet 9 inches   | Complies  |
| <b>Minimum side setback (Left)</b>  | <b>5 feet</b>              | <b>15 feet 3 inches</b> | <b>5 feet from building<br/>Not eve line</b>             | <b>-6 inches<br/>Variance required due to increase in 3D envelope</b> |
| Minimum side setback (Right)  | 5 feet                     | 3 feet 11 inches        | 3 feet 11 inches   | No change / Non-conforming  |
| Minimum rear setback  | 15 feet                    | 3 feet                  | 3 feet   | No change / Non-conforming  |

**Process:**

**Planning Board:**

January 21, 2016

**Local Appeal Period:**

30 days

**DEO Review Period:**

Up to 45 days

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

The standards for considering variances are set forth in Section 90-395(a) of the City of Key West (the “City”) Land Development Regulations (“LDRs”). 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.**

The land, structure and building on the subject property do not have special conditions or circumstances involved that any other property located within the HMDR Zoning District possesses.

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.**

Currently, the residential structure is conforming to all dimensional requirements. However, the applicant is proposing a second story addition to the left side of the house which effects building coverage and side setback requirements. If the applicant moved the proposed addition 6 inches in, then there would be no need for a side setback variance. This is a circumstance resulting from the proposed action of the applicant. Therefore, the conditions are created by the applicant.

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 requested variance would confer special privileges upon the Applicant that are denied by the LDRs to other lands, buildings and structures in the HMDR 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.**

The Applicant currently enjoys the use of the property as a single-family residential dwelling. The Applicant wishes to construct an addition to the dwelling. The denial of the requested variances would not deprive the Applicant of rights commonly enjoyed by other properties in the HMDR Zoning District.

- (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 the minimum required that will make possible the reasonable use of the building / structure. It is the minimum necessary to accommodate the request.

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 granting of the requested variances would not be injurious to the area involved and otherwise detrimental to the public interest.

- (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.**

The Applicant has not used existing nonconforming uses of other property in the HMDR Zoning District or permitted uses of property in other zoning districts as the grounds for approval of the requested variances.

**Concurrency Facilities and Other Utilities or Service (Code Section 108-233):**

It does not appear that the requested variances would trigger any public facility capacity issues.

**Pursuant to Code Section 90-395(b), the Planning Board shall make factual findings regarding the following:**

- (1) That the standards established by Code Section 90-395 have been met by the applicant for a variance.**

The standards for the granting of variances established by Code Section 90-395 have not all 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.**

The Planning Department has not received any public comment both for and against the requested variance.

**Recommendation:**

Based on the above analysis of the standards for considering variances established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the requested variances be **DENIED**.



# Application For Variance

City of Key West, Florida • Planning Department

3140 Flagler Avenue • Key West, Florida 33040-4602 • 305-809-3720 • www.keywestcity.com

**Application Fee: \$1,150.00 / After-the-Fact: \$2,150.00**  
(includes \$100.00 advertising/noticing fee and \$50.00 fire review fee)

Please complete this application and attach all required documents. This will help staff process your request quickly and obtain necessary information without delay. If you have any questions, please call 305-809-3720.

## PROPERTY DESCRIPTION:

Site Address: 706 CATHERINE STREET

Zoning District: HMPDR Real Estate (RE) #: \_\_\_\_\_

Property located within the Historic District?  Yes  No

APPLICANT:  Owner  Authorized Representative

Name: William Vogan

Mailing Address: 413 BARD STREET

City: PORT HONON State: MI Zip: 48060

Home/Mobile Phone: 810-300-6360 Office: 810-985-3511 Fax: 810-985-4699

Email: williamg.vogan@gmail.com

## PROPERTY OWNER: (if different than above)

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home/Mobile Phone: \_\_\_\_\_ Office: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Description of Proposed Construction, Development, and Use: (2) STORY, WOOD FRAMED  
RESIDENTIAL ADDITION.

List and describe the specific variance(s) being requested:

2100 YARD (EAST) FROM 5'-0" TO 3'-0"

Are there any easements, deed restrictions or other encumbrances attached to the property?  Yes  No

If yes, please describe and attach relevant documents: \_\_\_\_\_

City of Key West • Application for Variance

Will any work be within the dripline (canopy) of any tree on or off the property?  Yes  No  
 If yes, provide date of landscape approval, and attach a copy of such approval.

Is this variance request for habitable space pursuant to Section 122-1078?  Yes  No

Please fill out the relevant Site Data in the table below. For Building Coverage, Impervious Surface, Open Space and F.A.R. provide square footages and percentages.

| Site Data Table                     |                  |          |            |                  |
|-------------------------------------|------------------|----------|------------|------------------|
|                                     | Code Requirement | Existing | Proposed   | Variance Request |
| Zoning                              |                  |          |            |                  |
| Flood Zone                          |                  |          |            |                  |
| Size of Site                        |                  |          |            |                  |
| Height                              |                  |          |            |                  |
| Front Setback                       |                  |          |            |                  |
| Side Setback                        |                  |          |            |                  |
| Side Setback                        |                  |          |            |                  |
| Street Side Setback                 |                  |          |            |                  |
| Rear Setback                        |                  |          |            |                  |
| F.A.R                               |                  |          |            |                  |
| Building Coverage                   |                  | 720 S.F. | 989 S.F.   |                  |
| Impervious Surface                  |                  | 776 S.F. | 1,043 S.F. |                  |
| Parking                             |                  |          |            |                  |
| Handicap Parking                    |                  |          |            |                  |
| Bicycle Parking                     |                  |          |            |                  |
| Open Space/ Landscaping             |                  |          |            |                  |
| Number and type of units            |                  |          |            |                  |
| Consumption Area or Number of seats |                  |          |            |                  |

This application is reviewed pursuant to Section 90-391 through 90-397 of the City of Key West Land Development Regulations (LDRs). The City's LDRs can be found in the Code of Ordinances online at [http://www.municode.com/Library/FL/Key\\_West](http://www.municode.com/Library/FL/Key_West) under Subpart B.

\*Please note, variances are reviewed as quasi-judicial hearings, and it is improper for the owner or applicant to speak to a Planning Board member or City Commissioner about the hearing.

EXISTING + ADDITION S.F.  
 720 S.F. (EXIST.) + 269 S.F. ADDITION = 989 S.F.  
 IMPERVIOUS SURFACE : PROPOSED 1,043 S.F.  
 1/9 COMMON AREA = 497 S.F.

Standards for Considering Variances

Before any variance may be granted, the Planning Board and/or Board of Adjustment must find all of the following requirements are met:

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.

PROPERTY OWNERSHIP INCLUDES THE EXISTING SITE (2,140 S.F.) AND 1/9 OF THE COMMON AREA OF THE ASSOCIATION (497 S.F.). IF THE COMMON AREA WAS ADDED TO THE PROPERTY THE SITE COVERAGE WOULD BE 39% (40% MAX ALLOWABLE)

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

THE SITE AREA DID NOT INCLUDE A PERCENTAGE OF THE COMMON AREA.

3. Special privileges not conferred. That granting the variance(s) 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.

NO SPECIAL PRIVILEGES ARE CONFERRED.

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 OPEN COMMON AREA IS NOT INCLUDED IN THE TOTAL AREA OF OWNERSHIP.

5. Only minimum variance(s) granted. That the variance(s) granted is/are the minimum variance(s) that will make possible the reasonable use of the land, building or structure.

THE VARIANCE FROM THE MAXIMUM REQUIRED COVERAGE OF 40% TO THE REQUESTED 40% IS MINIMAL AND DOES NOT INCLUDE THE COMMON AREA OWNERSHIP.

City of Key West • Application for Variance

6. Not injurious to the public welfare. That granting of the variance(s) will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

THE VARIANCE WILL NOT BE INJURIOUS TO THE PUBLIC WELFARE

7. Existing nonconforming uses of other property shall not be considered as the basis for approval. That no other nonconforming use of neighboring lands, structures, or buildings in the same district, and that no other 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 PROPERTY ARE NOT A BASIS FOR APPROVAL.

**The Planning Board and/or Board of Adjustment shall make factual findings regarding the following:**

- That the standards established in Section 90-395 have been met by the applicant for a variance.
- 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. Please describe how you have addressed the "good neighbor policy."

**REQUIRED SUBMITTALS: All of the following must be submitted in order to have a complete application. Please submit one paper copy and one electronic copy of all materials.**

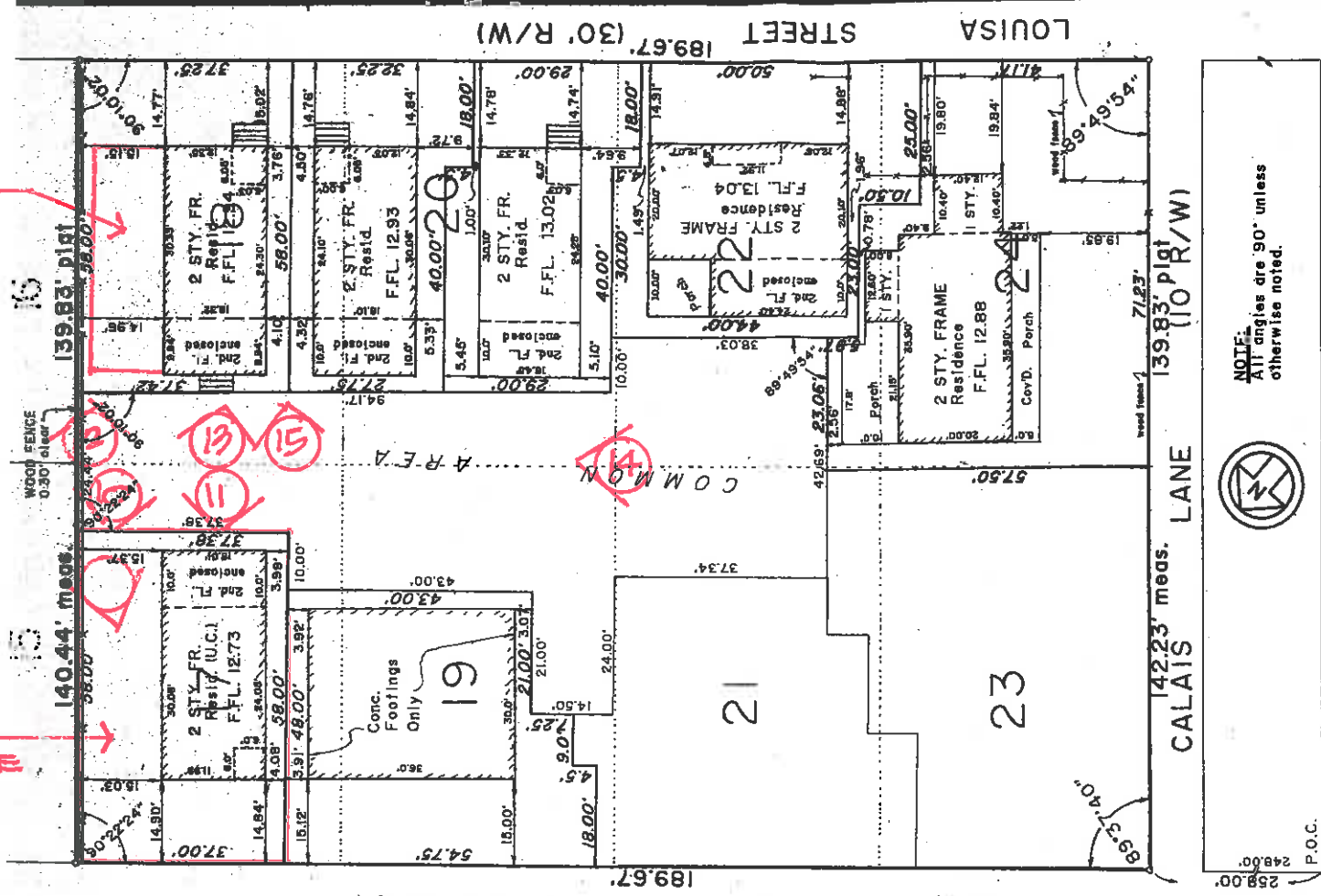
- Correct application fee. Check may be payable to "City of Key West."
- Notarized verification form signed by property owner or the authorized representative.
- Notarized authorization form signed by property owner, if applicant is not the owner.
- Copy of recorded warranty deed
- Property record card
- Signed and sealed survey
- Site plan (plans MUST be signed and sealed by an Engineer or Architect)
- Floor plans
- Stormwater management plan



100 CATHERINE

EXISTING ADDITION

- ①
- ②
- ③
- ④
- ⑤
- ⑥
- ⑦
- ⑧
- ⑨
- ⑩
- ⑪
- ⑫
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NOTE:  
All angles are 90° unless  
otherwise noted.

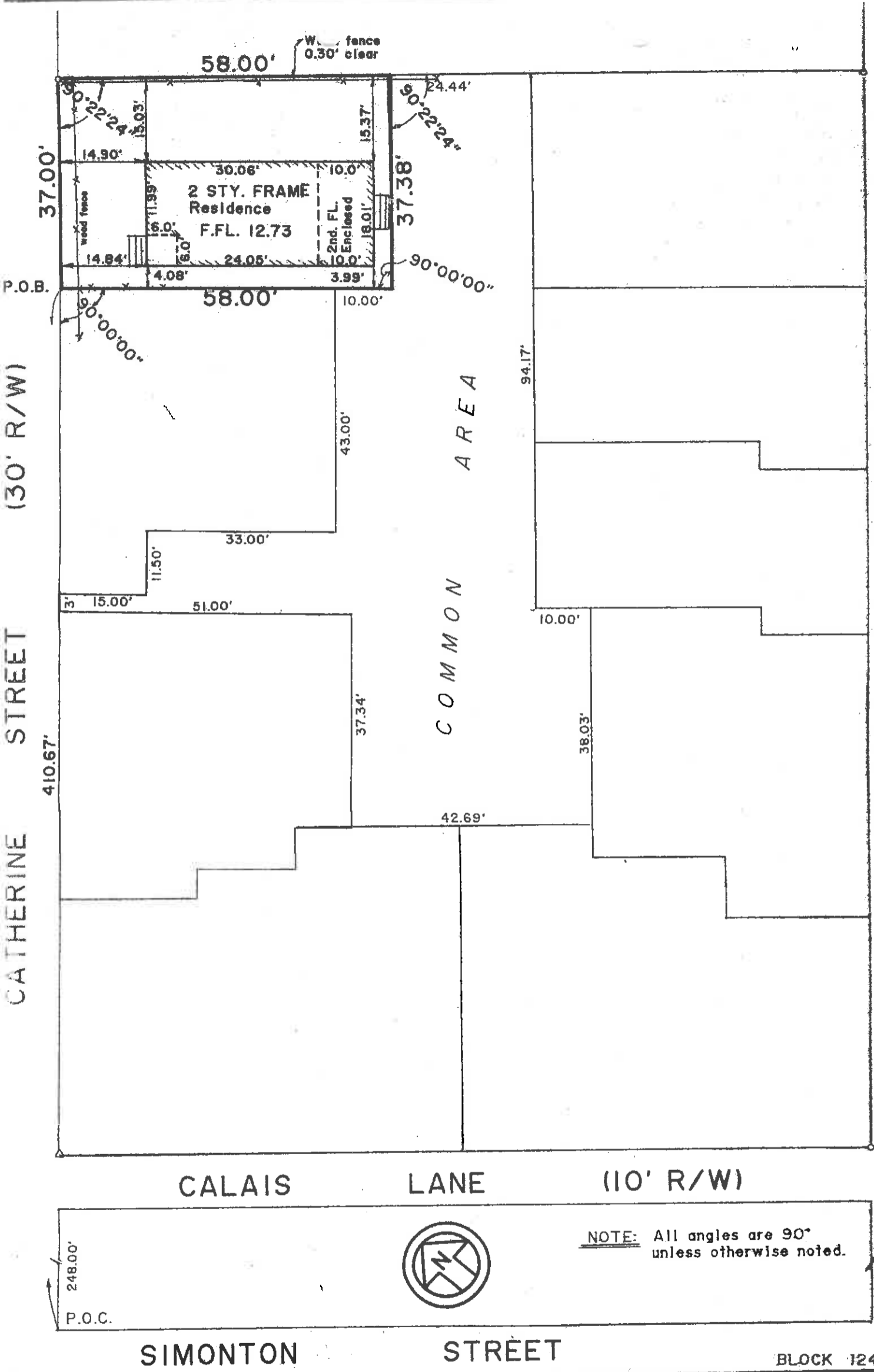
SIMONTON STREET  
BLOCK J24

|  |              |                      |             |
|--|--------------|----------------------|-------------|
| GATO VILLAGE<br>Catherine St., Calais Lane, Louisc St. Key West, Fl. |              | Dwn. No.<br>88-211-T |             |
| Boundary & Location Survey   |              | Flood Zone: B        |             |
| Total Site   | Ref<br>SI-52 | Dwn. By: FHH         | Flood Elev. |
| Scale: 1"=20'  | 88-40        |                      |             |
| Date: 1/7/89   | 80-5         |                      |             |

FREDERICK H. HILDEBRANDT, INC.  
ENGINEERS - SURVEYORS - PLANNERS

414. Simonton St. 12398 SW 82nd Ave  
Key West, Fla. 33040 Miami, Fla. 33156  
(305) 294-6159 (305) 255-4472

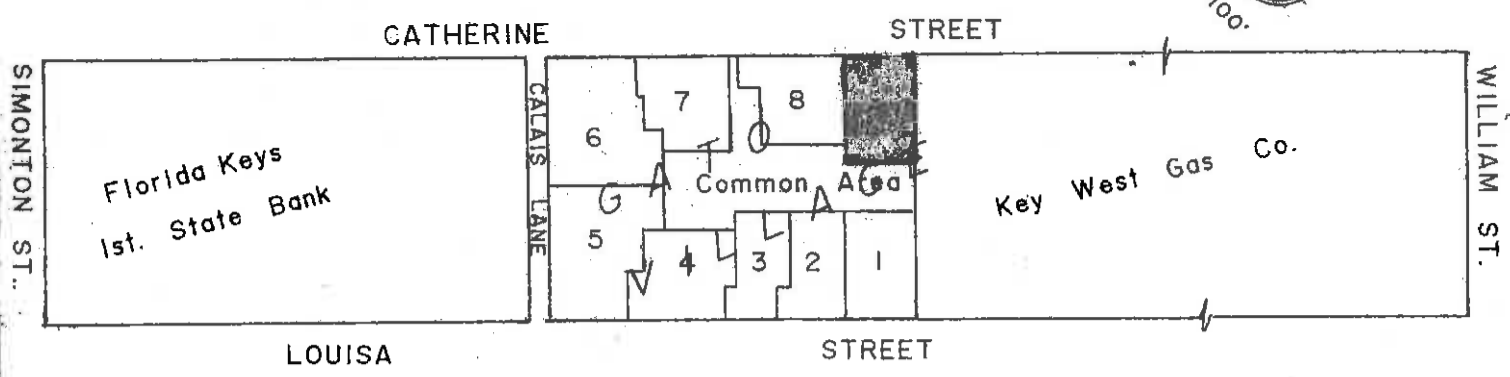
Photo Legend:



|   |     |                       |      |
|---|-----|-----------------------|------|
| GATO VILLAGE<br>Catherine Street, Unit #9, Key West, FL |     | Dwn. No.<br>89-211-9/ |      |
| Location Survey   |     | Dwn. By: FHH          |      |
| Scale: 1"=20'   | Ref | Flood Zone: B         | Rev. |
| Date: 10/25/89  |     | Flood Elev:           |      |

**FREDERICK H. HILDEBRANDT, INC.**  
ENGINEERS - SURVEYORS - PLANNERS

414 Simonton St.      12398 SW 82nd. Ave  
Key West, Fla. 33040      Miami, Fla. 33156  
(305) 294-6139      (305) 255-4472



### LOCATION MAP

A portion of the CITY OF KEY WEST

#### LEGAL DESCRIPTION:

A portion of Lot 17, "JERGUSON'S SUBDIVISION OF PART OF TRACT 12" on the Island of Key West, Florida, according to the Plat thereof, as recorded in Plat Book 1, at page 78 of the Public Records of Monroe County, Florida and being more particularly described as follows:

COMMENCE at the intersection of the Northeasterly Right-of-way line of Simonton Street and the Southeasterly Right-of-Way line of Catherine Street; thence in a Northeasterly direction along the said Southeasterly Right-of-Way line of Catherine Street for 410.67 feet to the Point of Beginning; thence continue in a Northeasterly direction along the said Southeasterly Right-of-Way line of Catherine Street for 32.00 feet; thence at an angle to the left of 90°22'44" and in a Southeasterly direction for 58.00 feet; thence at an angle to the left of 89°37'36" and in a Southeasterly direction for 37.38 feet thence at a right angle and in a Northwesterly direction for 58.00 feet to the said Southeasterly right-of-Way line of Catherine Street and the Point of Beginning. containing 2,157.02 square feet, more or less.

#### SURVEYOR'S NOTES:

North arrow based on an assumed meridian  
elevations based on N.G.V.D. 1929 Datum  
B.M. NO: Basic elevation 14.324

- o = Set iron pipe
- Δ = Set P.K. Nail/PCP no 2749

#### CERTIFICATION:

I HEREBY CERTIFY that the attached Location/Boundary Survey is true and correct to the best of my knowledge and belief; that it meets the minimum technical standards adopted by the Florida Society of Professional Land Surveyors, Florida Statute Section 472.027; and the Florida Land Title Association; and that there are no encroachments unless shown hereon.  
CERTIFICATION made to CALIFORNIA FEDERAL SAVINGS & LOAN ASSOCIATION AND Mark H. KELLY.

*Frederick W. Hildebrandt*  
FREDERICK W. HILDEBRANDT  
Professional Land Surveyor No. 2749  
Professional Engineer No. 36810  
State of Florida