

RESOLUTION NO. 2024-__

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD APPROVING A REQUEST FOR VARIANCES TO ALLOW DECREASES IN THE MINIMUM FRONT SETBACK FROM 19.8-FEET TO 10- FEET AND MINIMUM REAR SETBACK FROM 19.8- FEET TO 10- FEET AND DECREASE IN THE MINIMUM PARKING REQUIREMENT FROM 14 SPACES TO 12 SPACES TO PERMIT THE CONSTRUCTION OF A TWO- STORY MIXED-USE STRUCTURE WITH OFFICE SPACE AND THREE MARKET RATE RESIDENTIAL UNITS LOCATED WITHIN THE LIMITED COMMERCIAL (CL) ZONING DISTRICT PURSUANT TO SECTIONS 90-395, 108-572, AND 122-390 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, the owner of real property at 1817 Staples Avenue (RE: 00047070-000100) proposes to develop a two-story mixed-use structure with office space and three market rate residential units, requesting variance approvals for non-complying parking and front and rear setbacks; and

WHEREAS, Section 108-572 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code) of the City of Key West, Florida (the “City”) provide that the proposed development include a minimum of 14 vehicular parking spaces; and

WHEREAS, Section 122-390 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code) of the City of Key West, Florida (the “City”) provide that the minimum front setback is 19.8-feet and that the minimum rear setback is 19.8-feet within the Limited Commercial (CL) Zoning District; and

WHEREAS, the proposed number of parking spaces is 12 spaces, the proposed front

setback is 10-feet, and the proposed rear setback is 10-feet; and

WHEREAS, the Key West Planning Board (the “Board”) finds that circumstances exist which are peculiar to the land, structure, or building involved and that special conditions which are not applicable to other land, structures, or buildings in the same district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Board finds 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; and

WHEREAS, the Board finds 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; and

WHEREAS, the Board finds that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Board finds 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; and

WHEREAS, the Board finds that 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 are grounds for the issuance of the requested variances; and

WHEREAS, the Board finds that the applicant has satisfied the conditions of Section 90-395 of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) and likewise met the requirements established by Code Section 90-274; and

NOW, THEREFORE BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. An approval by Resolution of the Key West Planning Board for variances to minimum parking to 12 spaces, minimum front setback to 10’ and minimum rear setback to 10’, for the property at 1817 Staples Avenue (RE: 00047070-000100) in the Limited Commercial (CL) zoning district, pursuant to Section 90-395, 108-572, and 122-630 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Section 3. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Board.

Section 4. This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Commerce. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DOC with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period, the DOC can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the

effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regular meeting held this 21st day of November, 2024.

Authenticated by the Chair of the Planning Board and the Planning Director.

Sam Holland, Jr. Planning Board Chairman Date

Attest:

Katie Halloran, Planning Director Date

Filed with the Clerk:

Keri O'Brien, City Clerk Date