

THE CITY OF KEY WEST
PLANNING BOARD
Staff Report



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Daniel Sobczak, AICP-C, Planner II

Meeting Date: June 17th, 2020

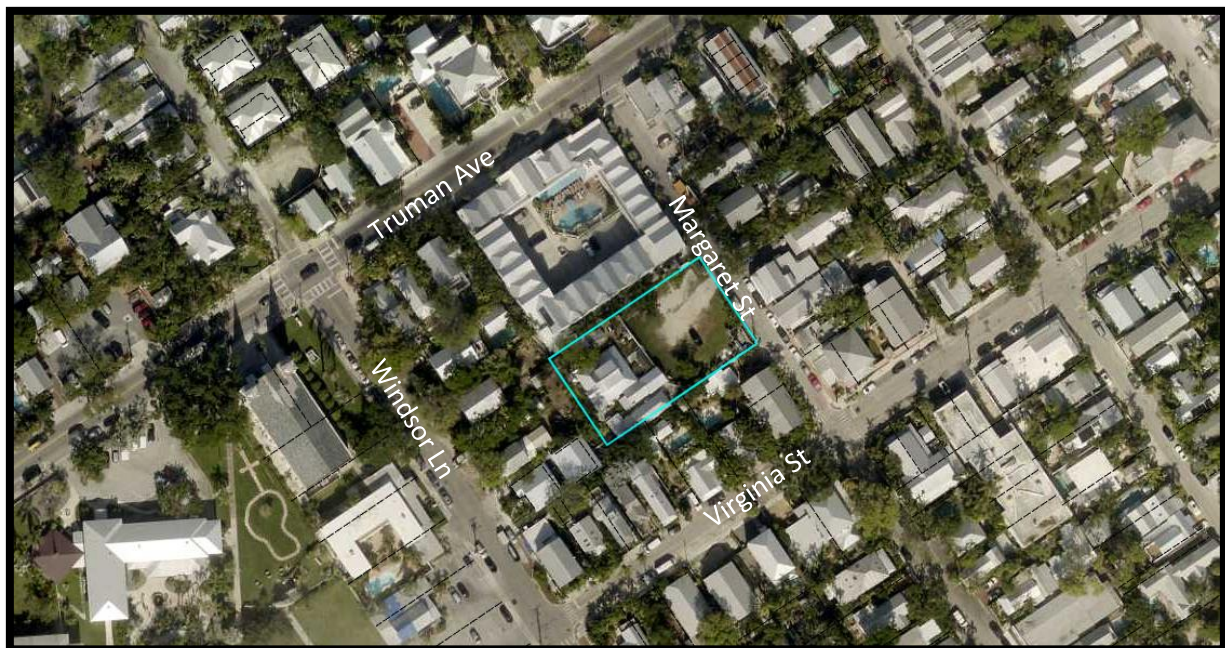
Application: **Variance** - 1020 Margaret Street (RE# 00030490-000000) - A request for a variance to the minimum front setback and the minimum rear setback for a minor development plan to renovate one existing historic single-family structure and construct three new single-family structures in the Historic Medium Density Residential (HMDR) zoning district pursuant to Sections 90-395, 122-600 (6) a., and 122-600 (6) c.

Request: The applicant is requesting a variance to the minimum front and rear setbacks for a principal structure in the HMDR zoning district. This variance is in addition to a Minor Development Plan. The variance must be approved before the Minor Development Plan proposal can be heard. The applicant is proposing to relocate a noncomplying historically contributing structure and construct three detached single-family units, one of which will encroach in the rear setbacks of the parcel.

Applicant: William P. Horn Architect, PA

Property Owner: Soni and Sons LTD Partnership

Location: 1020 Margaret Street (RE# 00030490-000000)



Background:

The subject parcel is located at 1020 Margaret Street near the corner of Truman Avenue and Margaret Street. According to the Historical Architectural Review Commission, the two current residential structures were constructed in 1906 and 1920 respectively. Both structures are of frame vernacular and are historically significant contributing structures to the Key West Historic District. The parcel is surrounded by HMDR zoned properties to the south, east, and west, and Historic Neighborhood Commercial (HNC-1) zoned properties to the north.

Historically the large parcel has been situated with the two historical structures on the rear of the lot and the front of the lot has been vacant. Both historical structures currently encroach in required setbacks. The applicant has proposed to relocate the large historical structure situated at the rear of the lot to the front of the lot. The applicant is also proposing to construct three new single-family residences in the rear of the lot.

The new residential development will relocate the larger of the two existing structures and improve the parcel's code compliance. The applicant is proposing to add seven off-street parking spaces onto the property, for a total of seven spaces, five for residents, and two for guests. The applicant is also proposing an in-ground pool at the center of the lot. One of the proposed new residential units, Unit 5, would encroach 6' into the rear setback and be 9' from the property line.

Proposed Development:

The site table below details the current and proposed site data for the property. Two variances are proposed for this development.

Site Data Table				
	Code Required	Existing	Proposed	Variance Request
Zoning	HMDR			
Flood Zone	X			
Size of Site	17,980 sqft			
Height	30	22' 6"	26' 4"	n/a
Front Setback	10'	72' 11"	5' 6"	3' 4"
Side Setback	5'	0'	5'	n/a
Rear Setback	15'	2' 3"	9'	6'
Building Coverage	40% -- 7,192 sqft	27.5% -- 5,004 sqft	37% -- 6,697 sqft	n/a
Impervious Surface	60% -- 10,788 sqft	47% -- 8,418 sqft	59.7% -- 10,750 sqft	n/a
Parking	5 Spaces	0 Spaces	7 Spaces	n/a
Bicycle Parking	n/a	n/a	n/a	n/a
Open Space	35% -- 6,293	53% -- 9,562 sqft	35% -- 6,330 sqft	n/a

Process:

Planning Board Meeting Postponements: Aug 20, 2020 – Postponed to work with neighbors
Oct. 18, 2020 – Postponed to work with neighbors

This item has been postponed multiple times so that the owner of the property could work with their surrounding neighbors and address concerns regarding the height of the structures, site-lines, and maintaining an agreement with a rear property owner.

Planning Board Meeting: June 17th, 2021
Local Appeal Period: 10 Days
Planning renders to DEO for review: Up to 45 days

Staff Analysis - 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 historic structures on the parcel have been noncomplying in minimum side setbacks and minimum rear setbacks since the site was developed in the 1920s. The subject parcel has two historically contributing structures on the site and will add another three single-family structures. The total area of the parcel is 17,980 which is 4.5 times the minimum lot size for parcels in the HMDR zoning district. Some surrounding properties are of similar size and shape, however most properties surrounding the subject parcel are much smaller in total area. The applicant is allowed per the zoning district to have up to five units on this property due to the size of the lot.

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.*

The applicant will be relocating the historic structures into a more compliant placement on the parcel. The addition of the rear single-family structure and the relocation of one historic structure will result in the need for the two requested variances. The applicant has chosen to develop the lot with the new single-family structures at the rear at the behest of HARC to bring the historic structures to the front of the lot, as well as keeping minimum distances between residences for life safety.

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.*

The Land Development Regulations require setbacks in order to ensure life safety, general welfare, health standards, and aesthetics. The relocation of the historic structure into the front setback will not substantially affect life/safety but may be detrimental to the applicant's

enjoyment of the front structure due to the proximity to the road. The new single-family structure proposed to encroach in the rear setback will still maintain nine feet for life/safety, general welfare, etc. With the proximity to the rear property line, the new residence may be detrimental to the parcel directly to the west.

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.*

The parcel located at 1020 Margaret Street is larger than most lots in the zoning district. The Land Development Regulation's required setbacks are designed to provide open space around and between structures for health, safety and aesthetic purpose. Strict compliance with the minimum setbacks required for the HMDR zoning district would not pose a significant hardship on the applicant as the lot has ample space and could be reconfigured to fit all units without encroaching into required setbacks.

Literal interpretation of the provisions of the Land Development Regulations would not deprive the applicant of rights commonly enjoyed by other surrounding properties under the terms of this ordinance.

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 requested is not the minimum required that will make possible the reasonable use of the land, building and/or structure. It is reasonable that the applicant could amend their plans to fit all or most of the proposed structures within the buildable space of the parcel and outside the required setbacks.

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.*

The variance will not be in harmony with the general intent of the land development regulations, but if granted would allow three additional single-family units in the Historic District. Encroaching into the front and rear setbacks could be injurious to public welfare and the surrounding property owners. The rear unit will be nine feet from the rear property line which may produce unwanted noise for the rear abutting property owner.

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 or utility service capacity issues.

The Planning Board shall make factual findings regarding the following:

That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.

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 not received any submitted public comment for the variance request as of the date of this report.

Recommendation:

The proposed development plan for the property located at 1020 Margaret Street will develop a parcel in the historic district with three new single-family homes and relocate one existing historic single-family home. The parcel currently consists of the two homes in the rear of the parcel and a large gravel lot in the front that is used for storage and auto parking. The relocation of the older historic structure will allow the contributing structure to be seen by passersby on Margaret Street instead of being hidden from view. In addition, the parcel will house another three units on a mixed used block, anchored by Silver Palms Hotel and the Truman Margaret Launderette. The variance to the minimum required front and minimum required rear setback does not meet the criteria stated in Section 90-395. The Planning Department recommends **denial**.

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

1. The proposed construction shall be consistent with the plans signed, sealed, and dated 6/18/2020 by William Horn, PA.
2. No units located on the property addressed 1020 Margaret Street and subject to this variance be used for transient rentals.
3. All required landscaping is to be maintained in good health and to be landscaped per the Planting Plan submitted with Resolution 2012-48
4. Landscaping is to be planted in the rear of the property between Unit #5 and the rear property line to mitigate the effects of the single-family unit encroaching into the rear setback and enhance privacy. Landscaping will be subject to the City of Key West Urban Forester's approval.