

**PLANNING BOARD
RESOLUTION NO. 2026-**

**A RESOLUTION OF THE CITY OF KEY WEST
PLANNING BOARD APPROVING A REQUEST FOR A
VARIANCE FROM THE MAXIMUM BUILDING
COVERAGE, MINIMUM FRONT YARD SETBACK, AND
MINIMUM REAR YARD SETBACK REQUIREMENTS
TO ALLOW THE RECONSTRUCTION OF A TWO-
FAMILY RESIDENTIAL STRUCTURE ON PROPERTY
LOCATED AT 1317 SUNSET DRIVE (RE# 00067500-
000000) IN THE SINGLE-FAMILY (SF) ZONING
DISTRICT, PURSUANT TO SECTIONS 90-395, 122-28,
AND 122-238 OF THE CODE OF ORDINANCES OF THE
CITY OF KEY WEST, FLORIDA.**

WHEREAS, the subject property is located at **1317 Sunset Drive (RE# 00067500-000000)** in the Single-Family (SF) Zoning district; and

WHEREAS, the applicant requests variances to allow the reconstruction of a two-family residential structure as an elevated two-family residential structure with increased building coverage and reduced front and rear setbacks; and

WHEREAS, the applicant requests variances from the maximum building coverage of thirty-five (35) percent to thirty-nine (39) percent, where the existing building coverage is thirty-three (33) percent; from the minimum front yard setback of twenty (20) feet to ten (10) feet, where the existing front yard setback is twenty (20) feet; and from the minimum rear yard setback of twenty-five (25) feet to five (5) feet, where the existing rear yard setback is zero (0) feet; and

WHEREAS, the existing two-family residential structure sustained substantial damage as a result of a fire, and pursuant to Section 122-28 of the Code of Ordinances may be reconstructed

at its existing nonconforming density, location, and three-dimensional building envelope; however, the proposed reconstruction expands beyond the existing building envelope by increasing building coverage and reducing the required front and rear yard setbacks; 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 exist which are not applicable to other land, structures, or buildings in the same district; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on August 20, 2026; and

WHEREAS, the 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

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. That the City of Key West Planning Board hereby approves by Resolution a request for variances from the maximum building coverage, minimum front yard setback, and minimum rear yard setback requirements to allow the reconstruction of an existing two-family residential structure with a maximum building coverage of thirty-nine (39) percent where thirty-five (35) percent is permitted, a front yard setback of ten (10) feet where twenty (20) feet is required, and a rear yard setback of five (5) feet where twenty-five (25) feet is required, at a property located in the Single-Family (SF) zoning district, pursuant to Sections 90-395, 122-28, and 122-238 of the Code of Ordinances of the City of Key West, Florida.

General Conditions:

1. The proposed work shall be consistent with the attached plans signed and sealed dated July 29, 2026, by Erica Helen.

Section 3. It is a condition of this variance that full, complete and final application for all conditions of this approval for any use and occupancy for which this variance is wholly or partly necessary, shall be submitted in its entirety within two years after the date hereof; and further, that no application shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

Section 5. This variance does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 6. 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 7. 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 at a regularly scheduled meeting held this August 20th, 2026.

Authenticated by the Chairman of the Planning Board and the City Planner;

Peter Batty Jr. , Planning Board Chairman

Date

Attest:

Taylor Brown, City Planner

Date

Filed with the Clerk:

Keri O'Brien, City Clerk

Date