

DRAFT

RESOLUTION NO. 10-189

VARIANCE: 1010 KENNEDY DRIVE

A RESOLUTION OF THE KEY WEST BOARD OF ADJUSTMENT DENYING A VARIANCE TO BUILDING HEIGHT REGULATIONS FOR PROPERTY IN THE CG, GENERAL COMMERCIAL ZONING DISTRICT, UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR PROPERTY LOCATED AT 1010 KENNEDY DRIVE (RE# 00065650-000500) REGARDING THE CONSTRUCTION OF A 125 FOOT TALL TELECOMMUNICATIONS MONOPOLE

WHEREAS, the Board of Adjustment finds that special conditions and circumstances do not exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district; and

WHEREAS, the Board of Adjustment finds that granting the variance requested would confer upon the applicant special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Board of Adjustment finds that literal interpretation of the provisions of the land development regulations would not deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would not work unnecessary or undue

hardship on the applicant; and

WHEREAS, the Board of Adjustment finds that the variance requested is not the minimum variance that would make possible the reasonable use of the land, building or structure; and

WHEREAS, the Board of Adjustment finds that the grant of the variance would not be in harmony with the general intent and purpose of the land development regulations and that such variance would be injurious to the area involved and otherwise detrimental to the public interest or welfare; and

WHEREAS, the Board of Adjustment finds that the applicant can make reasonable use of the land, building or structure without the grant of the instant variance; and

WHEREAS, the Board of Adjustment finds that the applicant has failed to satisfy the conditions of Key West Code of Ordinances section 90-395 and likewise failed to meet the requirements established by 90-274.

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

Section 1: That a variance to building height regulations from the 40 feet maximum building height allowed to the 125 feet proposed in the CG, general commercial zoning district, under the Code of Ordinances of the City of Key West, Florida section 122-420(3) is hereby denied.

Section 2: 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 Commission.

Read and passed on Passed and adopted by the Board of Adjustment at a meeting held this _____ day of _____, 2010.

Authenticated by the Presiding Officer and Clerk of the Board on _____ day of _____, 2010.

Filed with the Clerk on _____, 2010.

CRAIG CATES, CHAIRMAN
BOARD OF ADJUSTMENT

ATTEST:

CHERYL SMITH, CITY CLERK