

RESOLUTION NO. _____

VARIANCE: 1212, 1220 and 1222 SIMONTON STREET
RE #00028730-000000 AND #00028750-000,
AK #1029513 AND 1029530

A RESOLUTION OF THE KEY WEST BOARD OF ADJUSTMENT APPROVING A NON-HABITABLE SPACE VARIANCE TO BUILDING HEIGHT REGULATIONS FOR PROPERTY IN THE HNC-1, HISTORIC NEIGHBORHOOD COMMERCIAL DISTRICT - TRUMAN/SIMONTON ZONING DISTRICT, UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR PROPERTY LOCATED AT 1212, 1220 AND 1222 SIMONTON STREET (RE #00028730-000000 AND #00028750-000, AK #1029513 AND 1029530) TO CONSTRUCT AN ELEVATOR SHAFT ON THE SECOND FLOOR ROOF DECK ON A PROPOSED HOTEL PROJECT; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Key West Board of Adjustment (the "Board") finds that special conditions and circumstances 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 finds that granting the variance requested would not 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 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 or undue hardship on the applicant; and

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

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

WHEREAS, the Board finds that the applicant cannot 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 satisfied the conditions of Key West Code of Ordinances section 90-395 and likewise met the requirements established by Code section 90-274.

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

Section 1: That a non-habitable space variance to building height regulations from the 35 feet maximum building height allowed in the HNC-1 zoning district (28 feet inches existing), under the Code of Ordinances of the City of Key West, Florida section 122-810(3) to the proposed 40 feet 2 inches maximum building height is hereby approved.

Section 2: That this approval is conditioned upon:

(1) This approval shall not become effective until the concurrent application for major development plan and landscape modifications / waivers are approved and effective.

(2) This height variance shall only be for the nonhabitable elevator shaft at a height of 40 feet 2 inches. Any future increase of height beyond this 3D building envelope would require a new height variance application.

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.

Passed and adopted by the Board of Adjustment at a meeting held this _____ day of _____, 2015.

Authenticated by the Presiding Officer and Clerk of the Board on _____ day of _____, 2015.

Filed with the Clerk on _____, 2015.

Chairman Craig Cates _____
Commissioner Teri Johnston _____
Commissioner Clayton Lopez _____
Commissioner Mark Rossi _____
Commissioner Billy Wardlow _____
Commissioner Jimmy Weekley _____
Commissioner Tony Yaniz _____

CRAIG CATES, CHAIRMAN
BOARD OF ADJUSTMENT

ATTEST:

CHERY L SMITH, CITY CLERK