



**THE CITY OF KEY WEST
PLANNING BOARD**

Staff Report

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Ben Gagnon, Planner II

Meeting Date: July 17, 2025

Application: **Variance – 1119 Varela Street (RE# 00032850-001000)** – Applicant requests a variance to the maximum required impervious surface ratio from the required 60% to the proposed 71% and minimum open space from the required 35% to the proposed 29% to construct a pool at an existing residential property located in the Historic Medium Density Residential Zoning District (HMDR) pursuant to sections 90-395 and 122-600 of the Code of Ordinances of the City of Key West, Florida.

Request: The subject property is proposing to add an inground pool in the rear of the property exceeding maximum impervious surface and minimum open space requirements.

Applicant: Mark Tipsord

Property Owner: Scott and Heidi Dudgen

Zoning: Historic Medium Density Residential



Background & Request

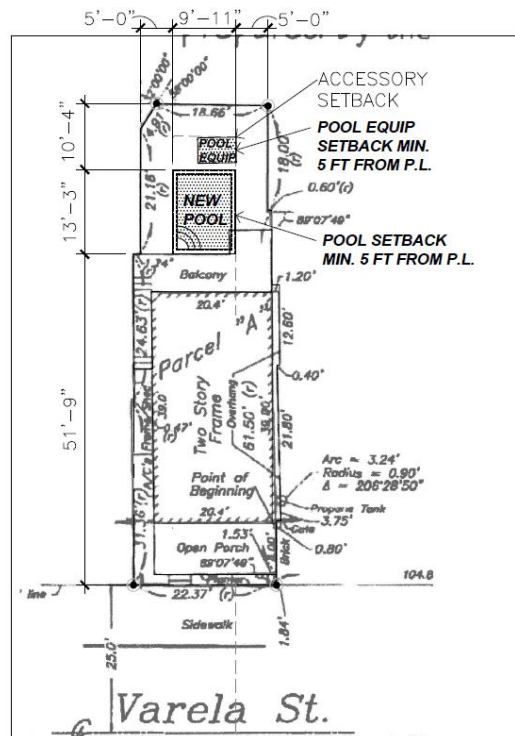
The subject property is a 1,634 square-foot parcel located at 1119 Varela Street in the Historic Medium Density Residential District. The property contains a two story, 1,020 square-foot single-family historically contributing dwelling.

The property proposes to build an inground swimming pool in the rear of the property exceeding maximum impervious surface and minimum open space thresholds - which trigger the variance requirement.

SITE DATA

	Permitted	Existing	Proposed
Lot Size	4,000 sq. ft.	1,635 sq. ft.	No change
Building Coverage	40%	62% (1020 sq. ft.)	No change
Impervious Surface	60%	62% (1,020 sq. ft.)	<u>71% (1,153 sq. ft.)</u>
Open Space	35%	38% (615 sq. ft.)	<u>29% (482 sq. ft.)</u>
Rear Accessory Setback	5'	N/A	5'

Existing / Proposed Site Plan (only proposed change is the pool)



Process:

Planning Board Meeting:	July 17, 2025
Local Appeal Period:	10 Days
Planning renders to DOC for review:	Up to 45 days

Staff 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.*

There are no special circumstances which exist that 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.

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.*

There are no special conditions or circumstances that exist.

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.*

Granting the variance would confer on the applicant the ability to increase the maximum impervious surface and minimum open space to a level which is not permitted for other properties in the same zoning district.

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.*

Literal interpretation of the provisions of the land development regulations would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. All properties in the zoning district are subject to the same site requirements.

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 variance that will make possible the reasonable use of the land, building or structure. The structure currently functions as a dwelling.

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 is not likely to be injurious to the area involved or otherwise detrimental to the public interest.

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 nonconforming uses of other properties are not the basis of 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:

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

Staff has found that the standards established by Section 90-395 of the City Code have not been met by the applicant.

2. *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.*

As of July 10th, staff have received no letters of objection or support from neighbors.

Recommendation:

The variance request to the minimum required open space and maximum required impervious surface ratio for the property located at 1119 Varela Street does not meet all the criteria stated in Section 90-395. Therefore, the Planning Department recommends that the request for a variance be **denied**.

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

General Conditions:

1. The proposed work shall be consistent with the attached signed and sealed plans on November 20, 2024 by David S. Koppel