

RESOLUTION NO. 2026-__

**A RESOLUTION OF THE CITY OF KEY WEST
PLANNING BOARD DENYING A VARIANCE TO THE
MAXIMUM REQUIRED BUILDING COVERAGE TO
CONSTRUCT A FREESTANDING SOLID ALUMINUM
ROOFED PERGOLA OVER AN EXISTING PAVED PATIO
AREA AT A COMMERCIAL PROPERTY LOCATED IN
THE HISTORIC RESIDENTIAL COMMERCIAL CORE-1
ZONING DISTRICT (HRCC-1) PURSUANT TO SECTIONS
90-395 AND 122-656 OF THE CODE OF ORDINANCES OF
THE CITY OF KEY WEST, FLORIDA.**

WHEREAS, the subject property is located at 522 Front Street in the Historic Residential Commercial Core-1 Zoning District (HRCC-1); and

WHEREAS, the request is to construct a freestanding white solid aluminum flat roofed pergola over an existing paved patio area associated with Southernmost Pint; and

WHEREAS, the property owner requests a variance to the maximum required building coverage from the required 50% to the proposed 72%; and

WHEREAS, the existing building coverage on the property is approximately 65%; and

WHEREAS, the property contains approximately 7,836 square feet and is developed with a two-story office/mixed-use structure constructed in 1977; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 16, 2026; and

WHEREAS, Chapter 90 (Administration), Article V, Division 3 (Variances) establishes specific criteria needed to support a request for variance relief; and

WHEREAS, after considering the testimony, evidence presented, the staff report, and the applicable provisions of the Code of Ordinances, the Planning Board finds that the applicant has failed to satisfy all of the criteria required by Section 90-395 to support the granting of the requested variance pursuant to Chapter 90, Article V, Division 3; and

WHEREAS, the applicant failed to establish that:

(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.

(2) 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.

(3) 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.

(4) 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; and

WHEREAS, the Board finds that the applicant has FAILED to satisfy 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 DENIES the requested variance to the maximum required building coverage to construct a freestanding solid aluminum roofed pergola over an existing paved patio area at a commercial property located in the Historic Residential Commercial Core-1 Zoning District (HRCC-1) pursuant to Sections 90-395 and 122-656 of the Code of Ordinances of the City of Key West, Florida.

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.

Section 4. This Resolution is subject only to the appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). Because the permit or development order has been denied, no development order will be rendered to the Florida Department of Commerce pursuant to Chapter 73C-44, Florida Administrative Code, and the forty-five (45) day state review period does not apply.

Read and passed on first reading at a regularly scheduled meeting held this 16th day of July, 2026.

Authenticated by the Chair of the Planning Board and the Planning Director.

Planning Board Chair

Date

Attest:

Taylor Brown, Planning Director

Date

Filed with the Clerk:

Keri O'Brien, City Clerk

Date