

**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**



To: Chairman and Planning Board Members

Through: Katie Halloran, Planning Director

From: Stephanie de la Rosa, Stantec

Meeting Date: January 16, 2025

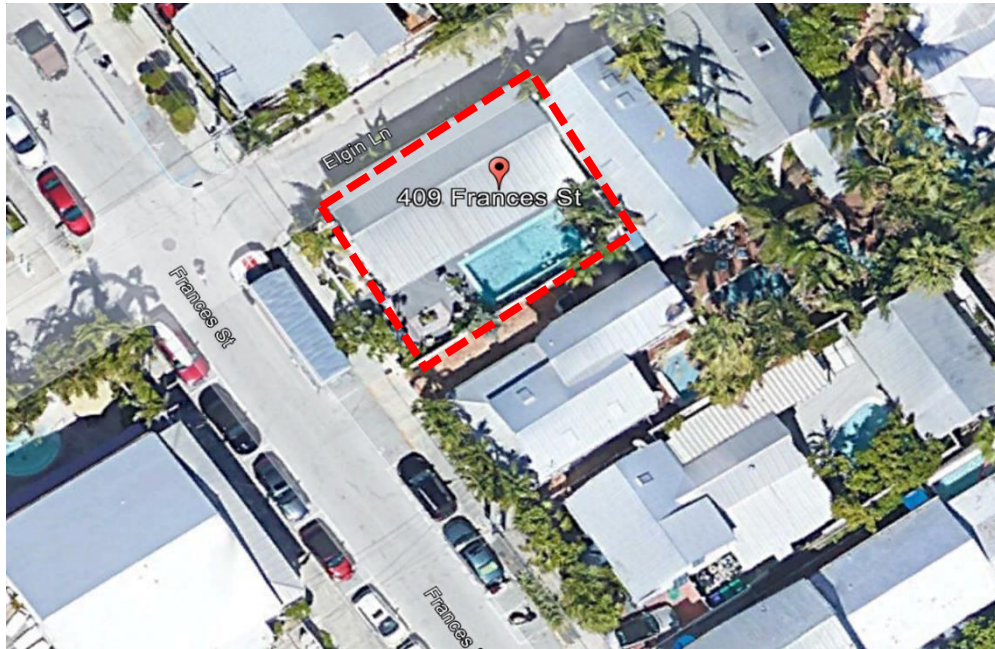
Agenda Item: **Variance** – 409 Frances Street. (RE# 00004840-000000) – A request for variances for building coverage, from 51.3% to 54.6%; front setback requirement, from 1’11” to 0’3.75”; and street side setback requirements, from -6” to -6”; for an existing residential building located within the Historic Medium Density Residential Zoning District (HMDR) pursuant to section 90-395 of the Code of Ordinances of the City of Key West, Florida.

Request: A request for variance to the building coverage, front and street side setback. The HMDR Zoning District permits a building coverage maximum of 40%; the variance request is 54.6%. The HMDR Zoning District requires minimum setbacks, with front required at 10’; side street required at 7.5’. The variance proposes minimum setbacks of : front at 0’-3.75”; street side at -6” (no change).

Applicant: A2O Architecture

Property Owner: BREMER THOMAS S, BREMER PATRICIA L

Location: 409 Frances Street, Key West, Florida
(RE# 00004840-000000)



Aerial Map of the Subject Property

Background:

The subject property, with a lot size of 1960 sq. ft., is in the Historic Medium Density Residential (HMDR) Zoning District. The parcel includes a single-family residence with nonconforming setbacks, and building coverage. The 1,584 sq. ft. single-family residence was constructed circa 1950 prior to the existence of the current Land Development Regulations. According to the property card, this property last transferred ownership in March 2019.



409 Frances St circa 1965 (source Monroe County Public Library)

The applicant wishes to renovate the single-family residence to raise the existing residential structure by 2' to meet current FEMA standards, while also reconstructing the historic front porch with modifications to the existing second story balcony, enlarging the existing wood deck and removing impervious ground covering. In addition, the applicant is proposing to remove 1' of the roof overhanging the rear property line, replace all windows and doors with impact windows and doors and replace all vinyl siding.

The proposed renovation would require variances for minimum front setback, minimum street side setback and maximum building coverage.



Figure 1: Proposed and Existing Massing Plan

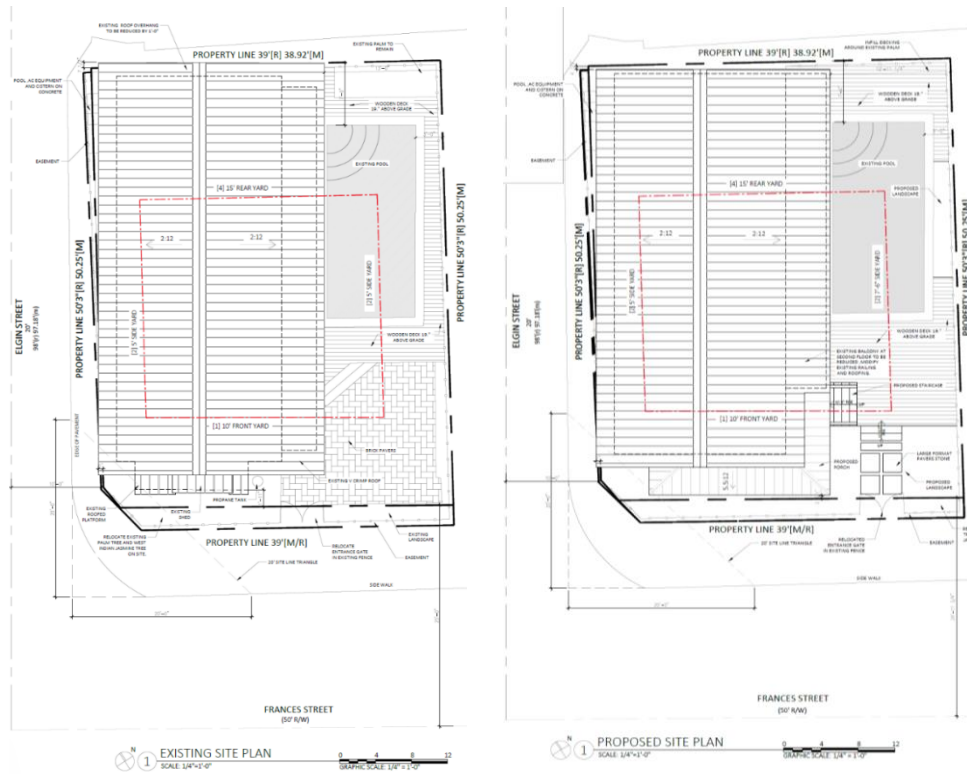


Figure 2: Proposed and Existing Site Plans

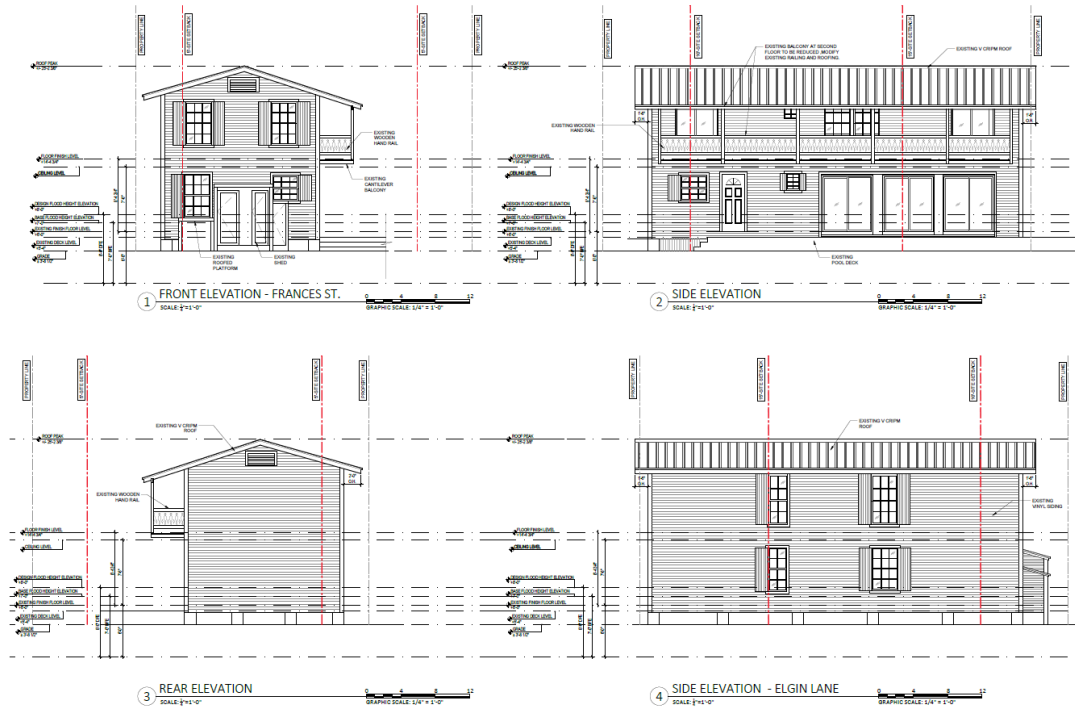


Figure 3: Existing Elevations



Figure 4: Proposed Elevations

The site data table below provides the current and proposed site data for the property. The proposed variance is for the building coverage requirement and for the front and street side setback requirements. Other dimensional standards are improving, therefore given Section 122-32(a), no variances to those respective standards are required.

Site Data Table:				
	Code Required	Existing	Proposed	Variance Required
Front Setback	10-feet	1'-11"	0'-3.75"	Yes
Street Side Setback	7.5"	-6"*	-6"*	Yes
Side Setback	5'	13'-0 "	12'-11.75"	Improvement
Rear Setback	15-feet	- 7.5"	4.5"	Improvement
Building Coverage	40%	51.3%	54.6 %	Yes
Impervious Surface	60%	25 %	15.3 %	No
Open Space	35%	23.7 %%	30.05 %	Improvement
Parking¹	N/A	0	2	No
Maximum Height	30-feet	21'-6"	23'-6"	No

*Survey submitted by applicant indicates a recorded easement is already in place for the existing side street right-of-way encroachment proposed to remain.

Based on the plans submitted, the proposed design would require a variance to the following requirements:

Setbacks: A variance for the front and side street setback are required as a result of the proposed single-family residence renovation.

Front: 10' required; 0'3.75" proposed.

Street Side Setback: 7.5' required; -6" proposed.

Building Coverage: 40% max required, 54.6% proposed.

The application was sent to the Development Review Committee (DRC) members for comment on December 12, 2024. The following responded with comments:

- **Historic Preservation Division:** The principal building on the site is historic but non-contributing. Although the guidelines prohibit construction of additions in front of a historic building (guideline 7 of additions) there is factual evidence that the house used to have a front porch historically. The proposed plans meet current HARC regulations, including the elevation of the house.

Staff Analysis - 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 existing special conditions which are peculiar to the land and structure involved, which are not applicable to other land, structures, or buildings in the same zoning district. The house sits on two easements due to historic property lines which diminishes the overall size of the lot. The applicant stated in the application that the existing corner lot structure historically had a front porch, which was removed at an unknown date. The structure existed prior to the adoption of the current Land Development Regulations and are considered noncomplying under certain dispositions of the Code. In renovating the contributing historic single-family structure, efforts are being made to restore the historical features and improve certain dimensional standards.

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 existing special conditions not created by the applicant: The applicant stated in the application that raising the house will remove secondary egress due to many site constraints. Bringing the front porch back provides secondary egress after elevating but will affect the front setback and building coverage.

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 requested will confer upon the applicant special privileges denied by the Land Development Regulations to other lands, buildings, or structures in the same zoning district. However, this proposal is to build-back part of the historic original building

and improve current non-conforming dimensional standards on a small lot while also elevating the historic structure to improve flood resilience.

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.*

This property does not meet the current LDR requirements for front and side street setbacks and building coverage. These noncomplying elements, in addition to the existing easements, limit the improvements of the property to bring it into full compliance with the current Land Development Regulations. The applicant stated in the application that raising the house will remove secondary egress due to many site constraints. Bringing the front porch back provides secondary egress after elevating.

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 proposed renovation improves the existing nonconformities for the rear setback. Raising the house will remove secondary egress due to many site constraints. Bringing the front porch back provides secondary egress after elevating. The modified height of the building will remain compliant to LDR requirements. The proposed design would remove impervious site cover, improve open space, and improve the rear yard setback. The proposed scope of work increases the functionality of the site and building while enhancing flood resilience.

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 proposed improvements and the granting of the variance will not be injurious to the area or detrimental to the public interest or welfare. The improvements will improve the rear setback and eliminate the encroachment on the rear property line.

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.

No other nonconforming uses of the other properties have been considered in staff's analysis. This variance request is based on bringing back construction that was historically part of this property.

IN COMPLIANCE

The Planning Board shall make factual findings regarding the following:

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

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 12/30/2024, the applicant has indicated that no objections to the proposed scope of work had been received.

The standards established by Section 90-395 of the City Code **have been met** by the applicant.

RECOMMENDATION:

The Planning Department recommends **approval** subject to the following conditions.

1. The proposed construction shall be consistent with the plans prepared by A2O Architecture, Inc. dated November 11th, 2024.
2. Pursuant to Sec. 122-1143, the areas beneath elevated structures shall not be considered impervious, so long as those areas beneath the elevated structures are maintained fully permeable. The area beneath the elevated structures must therefore remain permeable.