

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



To: Chairman and Planning Board Members

Through: Patrick Wright, Planning Director

From: Ginny Haller, Planner II

Meeting Date: June 15, 2017

Agenda Item: **Variance – 1116 Truman Avenue (RE # 00032400-000000)** - A request for variances to minimum rear yard setback requirements, maximum building coverage, and impervious surface ratio on property located within Historic Neighborhood Commercial-Truman/Simonton (HNC-1) zoning district pursuant to Section 90-395, 122-810(6)(c), 122-810(4)(c) and 122-810(4)(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

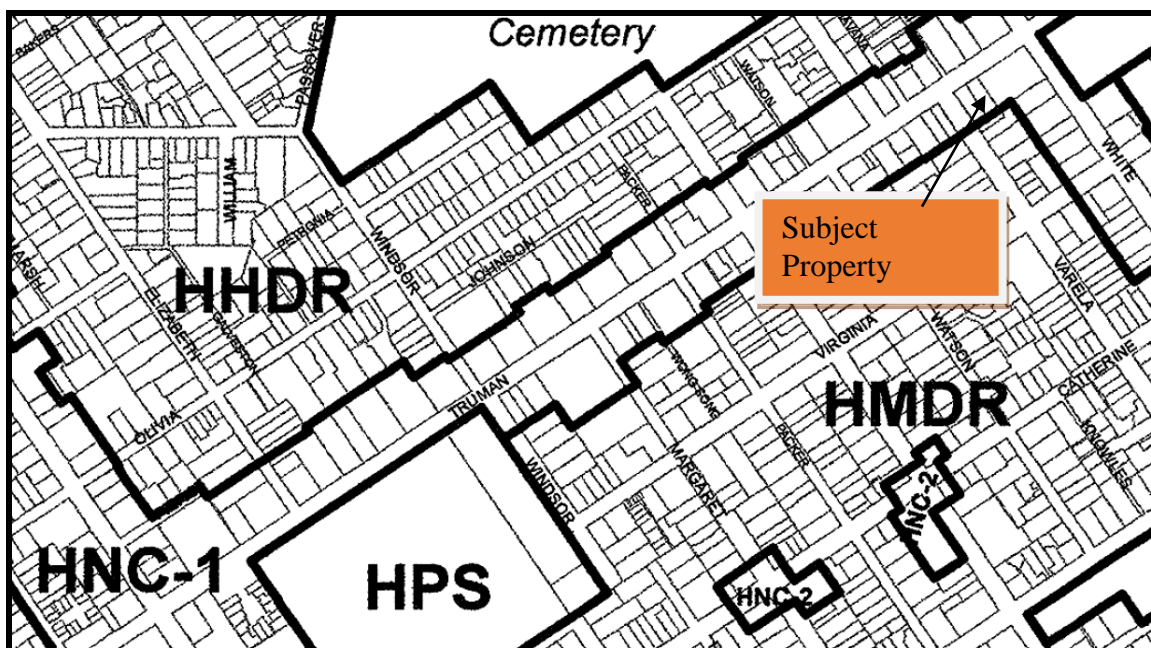
Request: Variances to minimum rear yard setback requirements, maximum building coverage, and impervious surface ratio in order to renovate an existing two-story structure and construct a new two-story structure on the property.

Applicant: William P. Horn Architect, PA

Owner: Habitat for Humanity of Key West & Lower Fl. Keys, Inc.

Location: 1116 Truman Avenue (RE # 00032400-000000)

Zoning: Historic Neighborhood Commercial (HNC-1)



Background and Request:

The subject property is located on the 1100 block of Truman Avenue between White and Varela Streets within the HNC-1 zoning district. The owner of the property is Habitat for Humanity of Key West, Inc. The property is located within the Key West Historic District and the building is a contributing structure built circa 1928. The lot size is slightly nonconforming at 3,789 square feet (36.67’ X 103.33’) where the minimum lot size for the HNC-1 zoning district is 4,000 square feet (40’ X 100’).

The applicant proposes to renovate the existing two-story structure and the existing one-story rear addition that are in disrepair, and to construct a new two-story structure at the rear of the property. The proposal is for all of the buildings to have sprinkler systems. The applicant is currently licensed with the City of Key West for three (3) residential units. The proposal is for the three units to be deed restricted affordable. The property was nominated by City Commission Resolution 16-347 designating fund allocations for affordable housing, and Resolution 17-162 designating a process to disburse the fund allocations nominated to the Monroe County Land Authority.

The applicant is requesting a variance to rear yard setback requirements, maximum building coverage, and impervious surface ratio as part of the proposed construction. The following table summarizes the requested variances:

Relevant Land Development Regulations: Code Section 122-810				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Rear Yard Setback	15’	37’1”	6’	Variance Requested
Building Coverage	50% (1,894.55 sq. ft.)	44.32% (1,680 sq. ft.)	59 % (2,234 sq. ft.)	Variance Requested
Impervious Surface	60% (2,273.46 sq. ft.)	57.4% (2,177 sq. ft.)	63% (2,384 sq. ft.)	Variance Requested

Process:

Planning Board Meeting: June 15, 2017
Local Appeal Period: 30 days
DEO Review Period: Up to 45 days

Analysis – Evaluation for Compliance with The Land Development Regulations:

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 of the following:

- 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.***

The land, structures and buildings on the subject property do not have special conditions or circumstance involved that any other property located within the HNC-1 Zoning District possesses.

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.***

The existing nonconforming front and side setbacks were not created by the owner or applicant. The additional nonconformities will be created by the applicant due to the nature of the design.

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.***

The existing condition of the nonconforming lot size was not created by the owner or applicant. The applicant proposes to install sprinkler systems in the three dwelling units due to the fire safety concern of ingress and egress for the Fire Department.

Some of the conditions of the variances, such as the increase of building coverage and impervious area were created by the applicant. Therefore, granting the requested variances would confer special privileges upon the applicant that are denied by the LDRs to other lands, buildings and structures in the HNC-1 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.***

Although hardship conditions do not exist, the applicant states that the approval of the variances would allow the property to maintain three reasonably sized dwelling units. The applicant proposes the three units to be deed restricted affordable. The property was nominated by City Commission Resolution 16-347 designating fund allocations for affordable housing, and Resolution 17-162 designating a process to disburse the fund allocations nominated to the Monroe County Land Authority.

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 variances requested are not the minimum required that will make possible the reasonable use of the land, building, or structure. However, they are the minimum necessary to accommodate the request.

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 requested variance will not be injurious to the public. The request will be beneficial to the public interest and welfare by providing additional affordable housing.

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 non-conforming uses of other properties, use of neighboring lands, structures, or buildings in the same district, or other zoning districts, are not the basis for 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 capacity issues.

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.

The standards established by Section 90-395 of the City Code have not been fully met by the applicant for the variances requested.

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.

The Planning Department has not received public comment regarding the requested variance.

The planning board shall not grant a variance to permit a use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district.

No use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district would be permitted.

No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

No such grounds were considered.

No variance shall be granted that increases or has the effect of increasing density or intensity of a use beyond that permitted by the comprehensive plan or these LDRs.

No density or intensity of a use would be increased beyond that permitted by the Comprehensive Plan or the LDRs.

RECOMMENDATION:

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variances be **denied**.