



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

**To:** Chairman and Planning Board Members

**Through:** Patrick Wright, Planning Director

**From:** Vanessa Sellers, Planner I

**Meeting Date:** January 18, 2018

**Agenda Item:** **Variance - 1512 Ashby Street (RE # 00060750-000000; AK # 1061182)**  
– A request for a variance to the maximum allowable accessory structure coverage in the required rear yard and the maximum allowable building coverage in order to construct a carport on property located within the Single Family Residential (SF) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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**Request:** The applicant is seeking variances in order to construct a 21.5'-wide roof structure over an approved concrete slab to be accessed via Johnson Street and used for off-street parking. Building coverage is being increased from 35 percent to 39.5 percent. The carport and an accessory structure will cover 34.5 percent of the required rear yard, and the maximum allowable coverage is 30 percent.

**Applicant:** Michael B. Ingram, Registered Architect

**Property Owner:** Michael B. Ingram, Registered Architect

**Location:** 1512 Ashby Street

**Zoning:** Single-Family Residential (SF) Zoning District



**Background:**

The property at 1512 Ashby Street is located south of Flagler Avenue on the corner of Johnson Street and is two lots of record (lot 28 and lot 29). The property is not located within the Key West Historic District, and it is not a contributing structure to the district. The principle structure on the property is located within the right side-yard setback and the rear-yard setback.

The applicant is proposing to construct a 21.5' x 15' roof structure over an approved concrete slab. Although the proposed carport complies with the rear and side-yard setback requirements in Sec. 122-1182 and Sec. 122-238 of the Land Development Regulations, the plans submitted would require a variance to the maximum allowable accessory structure coverage of a required rear yard and the maximum allowable building coverage in the SF zoning district.

The following table summarizes the requested variance:

<b>Relevant Single Family (SF) Zoning District Dimensional Requirements: Code Section 122-238</b>				
<b>Dimensional Requirement</b>	<b>Required/ Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change / Variance Required?</b>
Maximum height	25'	N/A	18.75'	No
Minimum lot size	6,000 SF	7,260 SF	No Change	No
Maximum density	8 dwelling units per acre	1	1	No
Maximum floor area ratio	N/A	N/A	N/A	No
Maximum building coverage	35%	35%	39.5%	<b>Variance Required</b>
Maximum rear-yard coverage (by accessory structures)	30%	20.5%	34.5%	<b>Variance Required</b>
Maximum impervious surface	50%	48%	48%	No
Minimum open space (residential)	35%	52%	52%	No
Minimum front setback	20'	20.1'	No Change	No
Minimum right-side setback	5'	3'	No Change	No
Minimum left-side setback	5'	N/A	1'	No (CARPORT)*
Minimum rear setback	25'	N/A	6'	No (CARPORT/ACCESSORY STRUCTURE)**

\*Sec. 122-1182: An open carport may be erected adjacent to interior lot lines within one foot of the **front** and **side** property lines. Rooftop runoff shall be contained on the subject site.

\*\*Sec. 122-1181: No separate accessory structure shall be erected less than five feet of **any** lot line.

**Process:**

**Planning Board Meeting:** January 18, 2018  
**Local Appeal Period:** 10 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:

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.***

The land, structure, and building involved do not have special conditions or circumstances involved that any other property located within the Single Family (SF) zoning district possesses. In addition, the combined lot size of 7,260 square feet is 17.36 percent larger than the minimum lot size for this district, therefore allowing for 441 more square feet of building coverage than other smaller lots.

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 applicant is renovating the existing principle structure, and adding an accessory structure, pool, and additional decking to the property. With the addition of the proposed carport to these other improvements, the maximum allowable building coverage for the property and the maximum allowable coverage by the accessory structures will be exceeded. Therefore, the conditions are generated from the specific actions initiated by the applicant.

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.***

Section 122-27 of the Land Development Regulations discourages the expansion of site nonconformities. Therefore, increasing the maximum allowable building coverage and increasing the maximum allowable rear-yard coverage by accessory structures in order to construct a carport would confer special privileges upon the applicant.

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 a carport will provide protection from the elements, the applicant has use of the off-street parking area without the variance approvals. Literal interpretation of the provisions of the land development regulations would not deprive the applicant of rights commonly enjoyed by other properties in the Single Family (SF) zoning district under the terms of this ordinance and would not work unnecessary and undue hardship on the applicant.

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.***

Due to non-compliance with all of the standards for considering variances, the granting of the requested variances would be injurious to the area involved and otherwise detrimental to the public interest.

NOT 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 or utility service 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 any public comment for the variance request as of the date of this report.

**RECOMMENDATION:**

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

However, if the Planning Board approves this request, staff would like to require the following conditions:

**General Conditions:**

The proposed development shall be consistent with the plans dated December 27, 2017 by Michael B. Ingram, Registered Architect. No approval granted for any other work or improvements shown on plans other than the proposed construction of a carport facing Johnson Street.

