

**THE CITY OF KEY WEST
PLANNING BOARD**

Staff Report

To: Chairman and Planning Board Members

Through: Taylor Brown, Planning Director

From: Ben Gagnon, Planner II

Meeting Date: April 16, 2026

Application: **Variance - 1401 Albury Street (RE# 00024210-000000)** - Applicant requests a variance to the minimum required rear yard setback and maximum required building coverage to add an addition to the rear of the property at an existing residential property located in the Historic Medium Density 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 requests a variance to add a rear addition on the existing home.

Applicant: Carlos Rojas

Property Owner: Ann Kolson

Zoning: Historic Medium Density Residential (HMDR)



Background & Request

The subject property was developed prior to the adoption of several current dimensional standards and therefore contains legally nonconforming site conditions, including lot size and certain setbacks. These conditions are typical of older residential development patterns within the Historic Medium Density Residential (HMDR) zoning district. The current home was built in 1943 and is historically contributing.

The property sits on a 3,512 square-foot lot located at 1401 Albury Street. The applicant requests to add a rear yard addition to increase the habitable space within the home. The 10' x 12' addition will serve as an additional family room.

The requested variance would reduce the required fifteen-foot rear setback to approximately one foot seven inches. This represents a **substantial** reduction of the required setback and would effectively eliminate the functional rear yard area typically required within the HMDR zoning district.

Life Safety Concerns:

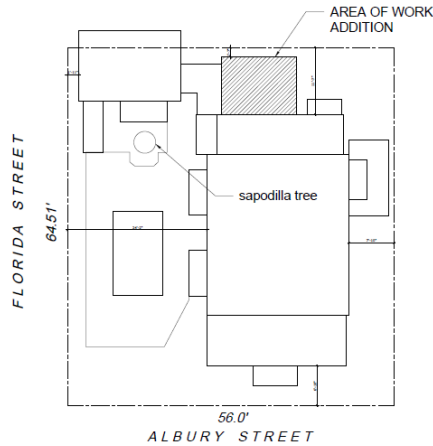
On February 23, 2026, The Key West Fire Department reviewed the proposal and indicated that they would **not** support the requested variance, noting that the proposed reduction of the rear setback could hinder access to the rear portion of the property during emergency response operations. Limiting emergency access in this manner could be detrimental to public safety and therefore is not consistent with the intent of the Land Development Regulations.

On the week of March 30th, Planning was informed by the applicant that KWFD did not change their opinion however they would go forward with the application.

SITE DATA

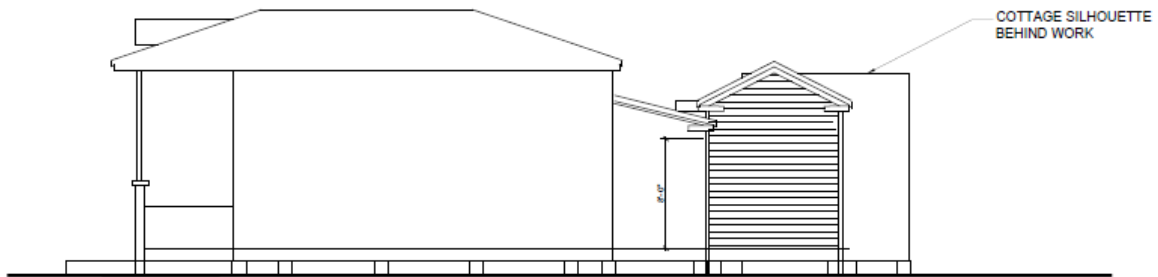
Zoned	Permitted	Existing	Proposed	Variance?
Lot Size	4,000 sq. ft. MIN	3,512 sq. ft.	No Change	
Building Coverage	40% MAX	1,332 (42.1%)	1,462 (46.2%)	<u>YES</u>
Impervious Surface	60% MAX	2,321.7 (73.4%)	2,301 (72.7%)	Improvement
Open Space	35% MIN	1,139 (36%)	1,177.8 (37.2%)	No
SETBACKS				
Front Setback	10'	6' 10"	No Change	No
West Side Setback	5'	1' 11"	No Change	No
East Side Setback	5'	7' 10"	No Change	No
Rear Setback	<u>15'</u>	<u>11' 7"</u>	<u>1' 7"</u>	<u>YES</u>

Proposed Site Plan



 **NEW SITE PLAN**
1/8" = 1'-0"

Proposed Elevation



NEW RIGHT ELEVATION
1/4" = 1'-0"

Process:

Planning Board Meeting:	March 12, 2026
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 reduce the rear yard setback to 1' 7" which is not allowed for other lands, buildings, or structures 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 reasonable use of the land, building or structure.

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 could be detrimental to the public as the Key West Fire Department has noted this would hinder access to the rear of the lot.

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 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 finds 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.*

While not a strict variance criterion it is important to note for the report that as of March 5th, staff have received no letters of objection and no letters of support for this item.

Recommendation:

The Comprehensive Plan encourages development patterns that maintain adequate open space and preserve the historic scale and character of residential neighborhoods. Further increasing building coverage and substantially reducing the rear setback on a parcel that already exceeds several dimensional standards would be inconsistent with those objectives.

The variance request to the minimum required rear yard setback and maximum building coverage for the construction of an addition at the property located at 1401 Albury 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 dated March 3, 2026, by Carlos Rojas. The variance approval applies only to the dimensional relief granted herein and does not relieve the applicant from compliance with all other applicable provisions of the City of Key West Code of Ordinances, the Florida Building Code, or Fire Department requirements.