

**PLANNING BOARD
RESOLUTION NO. 2015-62**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD DENYING AN AFTER-THE-FACT VARIANCE TO MAXIMUM IMPERVIOUS SURFACE, MAXIMUM BUILDING COVERAGE, MINIMUM OPEN SPACE REQUIREMENTS, SIDE AND REAR SETBACKS ON PROPERTY LOCATED AT 1324 20th TERRACE (RE # 00055080-000000; AK # 1055662) IN THE SINGLE FAMILY (SF) ZONING DISTRICT PURSUANT TO SECTIONS 90-395, 108-346(b), 122-238(4)(a) & (b) (1) and 122-238 (6)(a)(1) & (3) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, the applicant enclosed an existing carport and constructed a bedroom and bath addition on the north side of the property located at 1324 20th Terrace (RE # 00055080-000000; AK # 1055662); and

WHEREAS, the structure exceeds maximum impervious surface, maximum building coverage as permitted in the SF zoning district, as well as minimum open space requirements as permitted by Section 108-346(b) and is located within the rear and side yard setbacks as permitted in the SF zoning district, of the Land Development Regulations (the "LDRs") of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City"); and

WHEREAS, the applicant requested after-the-fact variances to maximum impervious surface, maximum building coverage, minimum open space as well as rear and side yard setbacks as provided for in the SF zoning district; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing



Chairman


Planning Director

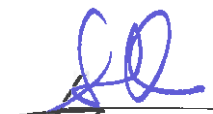
on December 17, 2015; and

WHEREAS, the Planning Board finds that special conditions and circumstances do not 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. Specifically, the existing property is a standard developed lot with no particular set of circumstances that are peculiar to the land, structure, or buildings involved. The circumstances of this lot are applicable to other lots in the SF zoning district; and

WHEREAS, the Planning Board finds that the special conditions do result from the action or negligence of the applicant. Specifically, the existing conditions were created by the applicant. The construction of a new addition by converting, enclosing and expanding a carport into habitable space that violates lot coverage, open space and setback requirements is generated from specific actions initiated by the applicant. The existing lot is overbuilt per the dimensional regulations of the SF zoning district; and

WHEREAS, the Planning Board finds that granting the variances 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. Specifically, sections 108-346(b), 122-238(4)(a) & (b) (1) and 122-238 (6)(a)(1) & (3) of the Land Development Regulations provide for the dimensional and open space requirements of the SF zoning district. Therefore, granting the proposed variances would confer special privileges upon the applicant; and

WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would not deprive the applicant of rights commonly enjoyed by other


Chairman

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properties in this same zoning district under the terms of this ordinance and would not work unnecessary and undue hardship on the applicant. Specifically, the applicant currently has existing use of the site without the approval of the variances. The LDRs specifically provide for the open space and dimensional regulations for the SF zoning district. The conversion, enclosure and expansion of the former carport in no way necessitates hardship conditions. The denial of the requested variances would not deprive the applicant of rights commonly enjoyed by other properties in the SF Zoning District. Accordingly, hardship conditions do not exist; and

WHEREAS, the Planning Board finds that the variances requested are not the minimum variances that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of the variances will not be in harmony with the general intent and purpose of the land development regulations and that such variances will be injurious to the area involved or otherwise detrimental to the public interest or welfare. Specifically, due to not being in 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. It is the position of the Fire Marshall that the conversion, enclosure and expansion of a formerly open carport with a 3 inch setback creates a life safety issue for the applicant's property and adjacent properties; and

WHEREAS, the Planning Board finds that 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 are grounds for the issuance of the requested variances. Specifically, existing non-conforming uses of other properties, use of neighboring lands, structures, or buildings in the same



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district, or other zoning districts, are not the basis for the applicant's request; and

WHEREAS, the Planning Board finds 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.

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. The applicant's request for after-the-fact variances to maximum impervious surface, maximum building coverage, minimum open space as well as rear and side yard setbacks as provided for in the SF zoning district to allow the enclosure of an existing carport and construction of a bedroom and bath addition on the north side of the property located at 1324 20th Terrace (RE # 00055080-000000; AK # 1055662) in the SF Zoning District pursuant to Sections 90-395, 108-346(b), 122-238(4)(a) & (b) (1) and 122-238 (6)(a)(1) & (3) of the City of Key West Land Development Regulations is hereby denied.

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 Commission.

Section 4. This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations).




Chairman



Planning Director

Read and passed on first reading at a regularly scheduled meeting held this 17th day of December 2015.

Authenticated by the Chairman of the Planning Board and the Planning Director;




Sam Holland, Planning Board Chairman 1/26/16
Date


Attest:


Thaddeus Cohen, Planning Director 1/25/16
Date

Filed with the Clerk:


Cheryl Smith, City Clerk 1-26-16
Date



Chairman


Planning Director