

THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Daniel Sobczak, AICP-C, Planner II

Meeting Date: August 19<sup>th</sup>, 2021

Application: **Variance** - 1708 Catherine (RE# 00044770-000000) – A request for a variance to the maximum building coverage and maximum impervious surface in order to add an additional bathroom to a two-bedroom one bathroom home on a parcel located in the Single-Family (SF) zoning district pursuant to Sections 90-395, 122-238 (4)a. and 122-238 (4)b. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

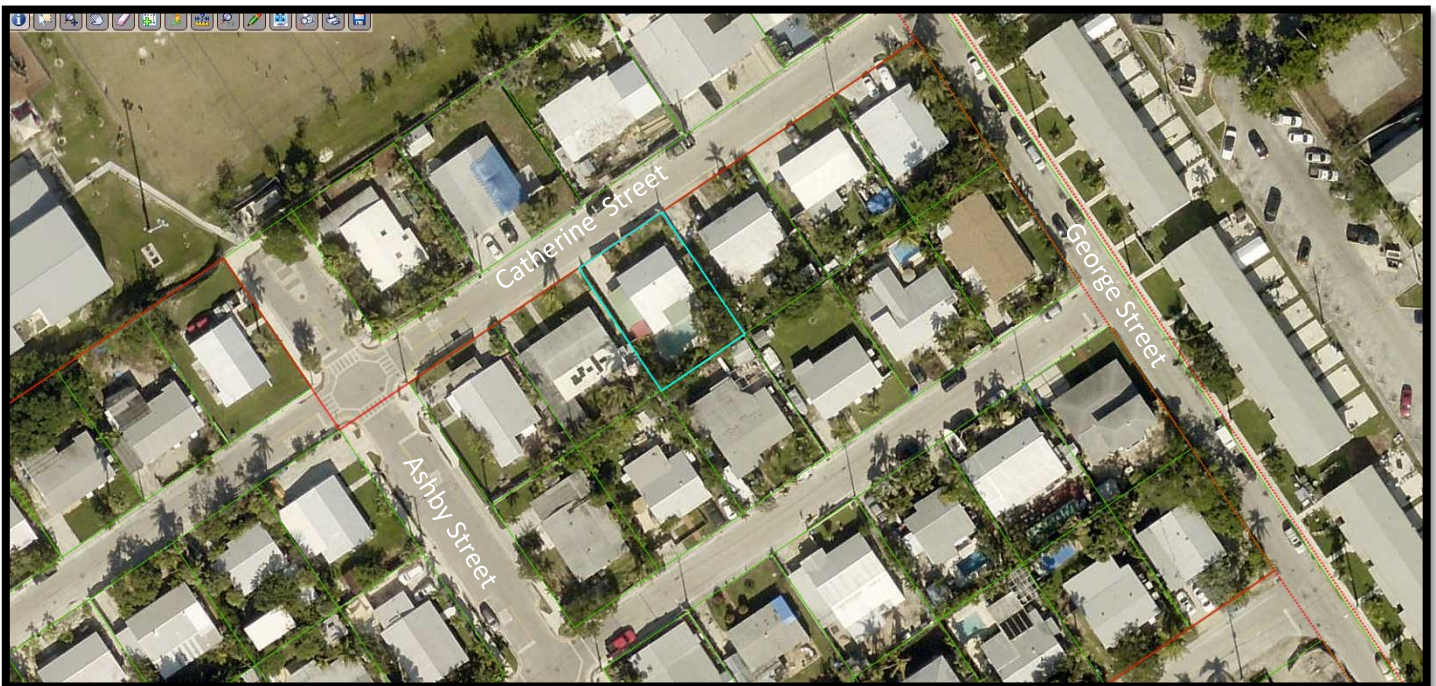
---

Request: The applicant is requesting a variance in order to construct a second bathroom in a two-bedroom one bathroom home.

Applicant: Kurt Becker

Property Owner: Kurt Becker

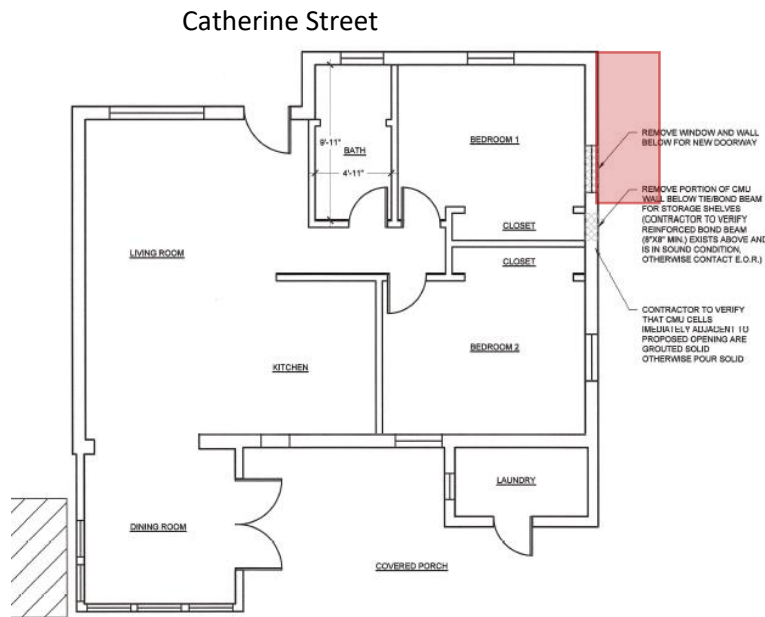
Location: 1708 Catherine (RE# 00044770-000000)



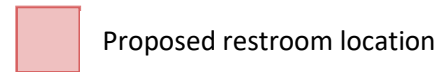
**Background:**

The subject parcel is located at 1708 Catherine Street near the corner of Catherine Street and Ashby Street. The current structure on the parcel is not a historic contributing structure. The parcel is zoned Single Family (SF) and is surrounded by SF zoned properties in all directions. The structure is two-bedroom one bathroom home, the applicant would like to add an additional restroom on the side of the house.

**Current site plans, submitted by the applicant**



According to the Monroe County Property Appraiser the house was built in 1952 of concrete block. The addition would be to the righthand side of the house facing Catherine Street. The proposed addition would raise the property's building coverage from 35.6% to 37.1 % and would raise the impervious surface from 52.1% and 53.8%. The proposed addition would conform to the code required setbacks.

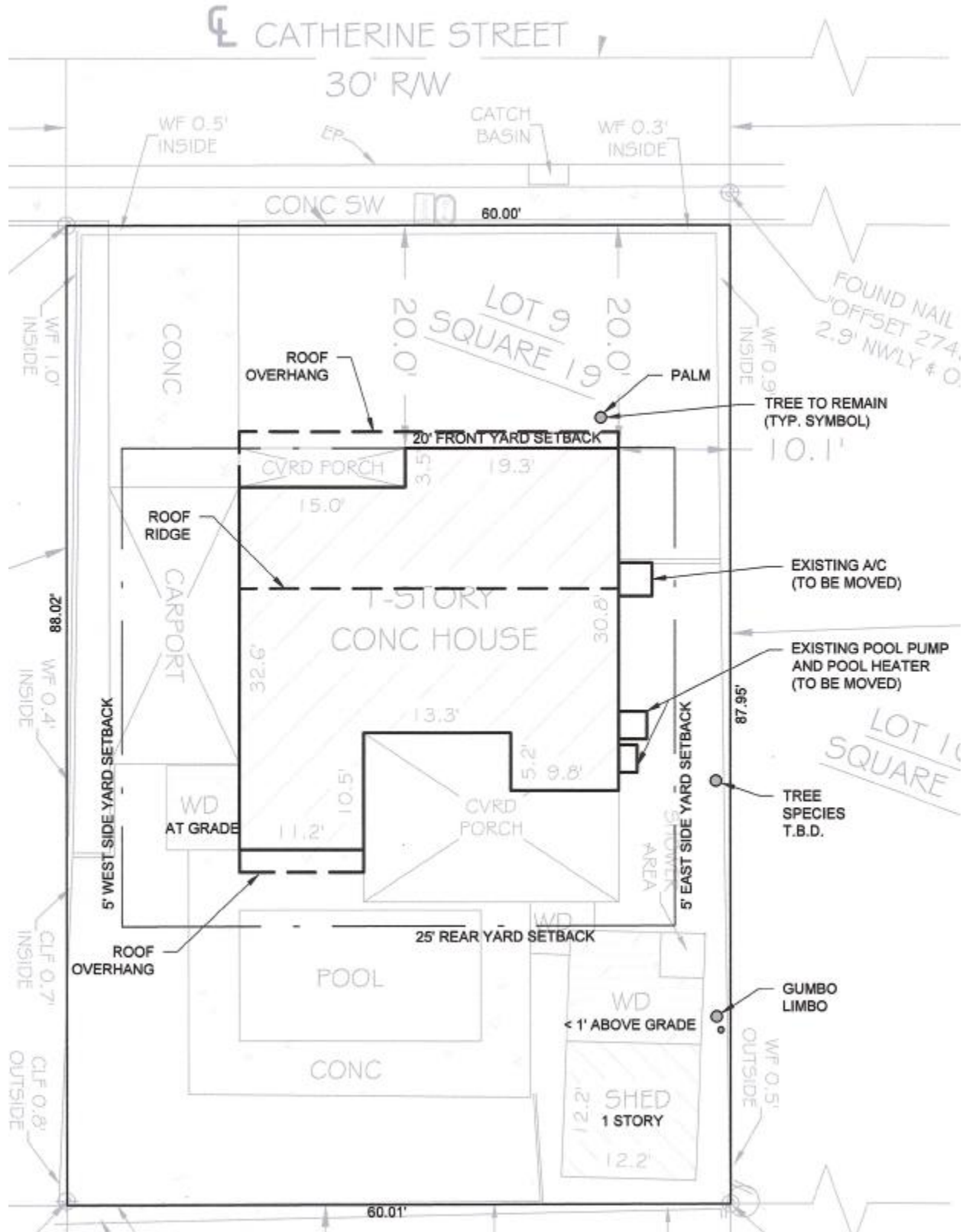


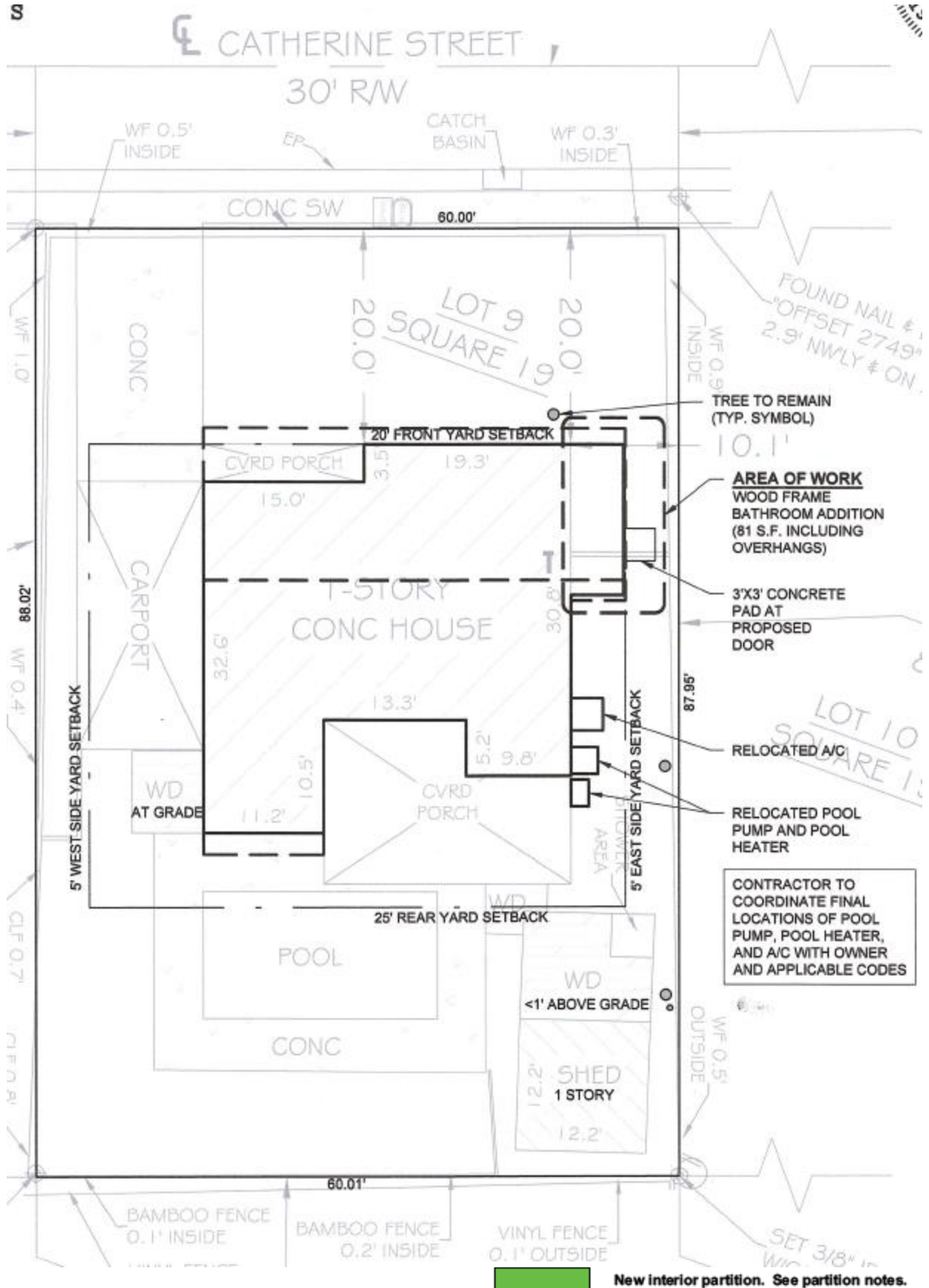
**Proposed Development:**

The site table below details the current and proposed site data for the property. Three variances are proposed for this development.

Site Data Table				
	Code Required	Existing	Proposed	Variance Request
Zoning	SF			
Flood Zone	AE			
Size of Site	5,279 sqft			
Height	25'	+/- 12'	+/- 12'	n/a
Front Setback	20' – 30'	18.5'	18.5'	n/a
Side Setback	5'	10.1'	5'	n/a
Rear Setback	25'	27.1'	27.1'	n/a
Building Coverage	35% -- 1,847 sqft	35.6% -- 1,877 sqft	37.1% -- 1,958 sqft	2.1% -- 111 sqft
Impervious Surface	50% -- 2,639 sqft	52.1% -- 2,748 sqft	53.8% -- 2,838 sqft	3.8% -- 199 sqft
Open Space	35% -- 1,847 sqft	44.3% -- 2,336 sqft	42.5% -- 2,246 sqft	n/a

Existing Site Plans, submitted by applicant





**Process:**

Planning Board Meeting:	Aug. 19 <sup>th</sup> , 2020
Local Appeal Period:	10 Days
Planning renders to DEO for review:	Up to 45 days

**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.*

The parcel located at 1708 Catherine is smaller than the code required minimum lot size. The existing structure has been in the same or a similar configuration since being constructed in the 1950's. In addition to the principal structure, the property also has several accessory structures such as a carport, covered porch, shed, etc. These accessory structures as well as the pool and concrete deck put the parcel over both the allowable impervious surface ratio and the allowable building coverage.

**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 proposal of the bathroom addition is a condition created by the applicant, the applicant could create a bathroom where there is already both building coverage and impervious surface, such as a bathroom placed adjacent to the rear laundry or similar. A bathroom constructed under existing building coverage would not require a variance.

**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 Land Development Regulations set maximum building coverage and impervious surface ratios in order to ensure life safety, general welfare, health standards, and aesthetics. The proposed addition would increase the impervious surface over the code allowed maximum by 199 sqft, it is possible that the applicant could construct the bathroom while removing some of the concrete deck or other possibilities to avoid seeking a variance.

**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.*

The parcel located at 1708 Catherine Street is smaller than code required minimum lot size. The Land Development Regulation's allowable building coverage and impervious surface levels are designed to curtail over development on lots as well as ensuring sustainability of the block by regulating impervious surface. The applicant could adjust their proposal to add an additional restroom at the rear of the house under the covered porch instead of the side addition without seeking a variance.

**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 required that will make possible the reasonable use of the land, building and/or structure. Although the applicant is asking for the addition of one bathroom in a two-bedroom one bathroom house, the applicant could add the restroom elsewhere on the lot connected to the main house, without seeking a variance.

**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 will not be in harmony with the general intent of the land development regulations but would not be injurious to the area involved or detrimental to the public interest or welfare. The applicant could construct a restroom without seeking a variance, however the applicant has applied to add the small restroom addition to the side of the house not under any current building coverage.

**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:**

The proposed construction of an addition on the righthand side of the structure would increase the nonconformity of the structure in both building coverage and impervious surface ration. It is possible that the applicant could construct the restroom in another location on the property and not require a variance. The variance to the maximum allowable building coverage and impervious surface does not meet the criteria stated in Section 90-395. The Planning Department recommends **denial**.

If the Planning Board chooses to approve the variance, the Planning Department recommends the following conditions:

1. The proposed construction shall be consistent (except for conditions of approval listed below) with the plans signed, sealed, and dated 6/4/2021 by Perez Engineering.

