

THE CITY OF KEY WEST
PLANNING BOARD
Staff Report



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Ben Gagnon, Planner I

Meeting Date: December 12th, 2023

Agenda Item: **Variance – 3223 Pearl Ave (RE: 00052890-002100)** – A request for variances to a minimum side setback and building coverage to include a building addition and covered front porch for an existing residential structure located in the Medium Density Residential (MDR) Zoning District pursuant to sections 90-395 and 122-270 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: Applicant seeks a side yard setback variance and a maximum building coverage variance in order to allow for the construction of a front porch and two story addition to an existing single-family home.

Applicant: Kelly Taylor and Hunter Morgan

Property Owner: Kelly Taylor and Hunter Morgan

Location: 3223 Pearl Ave (RE# 00052890-002100)

Zoning: Medium Density Residential



Subject property is located in the lower right of the image, facing Pearl Ave.

Background:

The subject property consists of a 2,078 square-foot parcel on Pearl Ave, developed in 1988. It contains a two-story single-family residential structure with 1,032 finished square feet of interior floor area and a 384 square-foot deck. The property also contains a pool and a 266 square foot asphalt parking area.

The subject property is zoned Medium Density Residential (MDR), which includes a minimum lot size of ½ acre, minimum lot width of 50-70 feet (depending on the prevailing lot width on developed lots within 200 feet), a maximum building coverage of 35 percent, and a maximum impervious surface ratio of 50 percent. The MDR District also establishes the following setback requirements:

Front Yard Setback: 30 feet or the average depth of front yards within 100 feet of the subject lot but not less than 20 feet.

Side Yard Setback: 7 feet

Rear Yard Setback: 20 feet or 15 feet when abutting an alley.

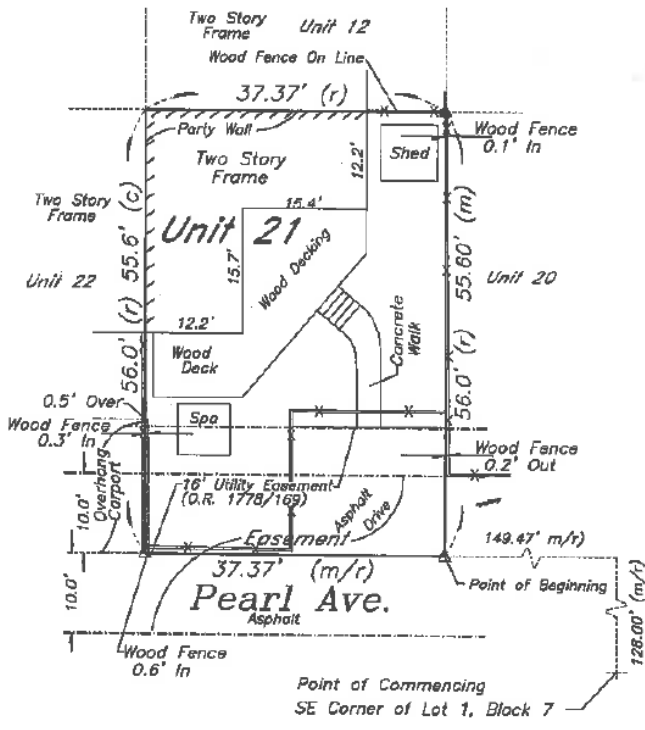
Street Side Yard Setback: 10 feet

The existing property fails to conform to several of the dimensional requirements associated with the MDR District. Specifically, the existing lot area of 2,078 square feet is approximately 91% below the minimum required lot area and the existing lot width of 37 feet is 48% below the minimum required lot width. Because the existing structure is a part of a four unit attached residence, there are no side or rear yard setbacks provided along the north and west property boundaries.

The applicant is requesting a variance to maximum building coverage and the side setback in order to relocate a second floor office to the first floor, add a closet to the first floor bedroom for a new family member, add a utility room off the kitchen, and create a covered first floor front porch of 77 square feet. Existing and proposed site plan layouts are included below.

These changes would be accomplished by removing brick pavers, a concrete walkway, the existing deck, and an existing shed. The existing shed was previously permitted but is not in compliance with setback regulations given it was constructed less than 5 feet from both the side and rear setbacks. There is no existing rear setback due to the nature of the property located in 'Smurf village' which consist of four single family homes split into four sperate lots.

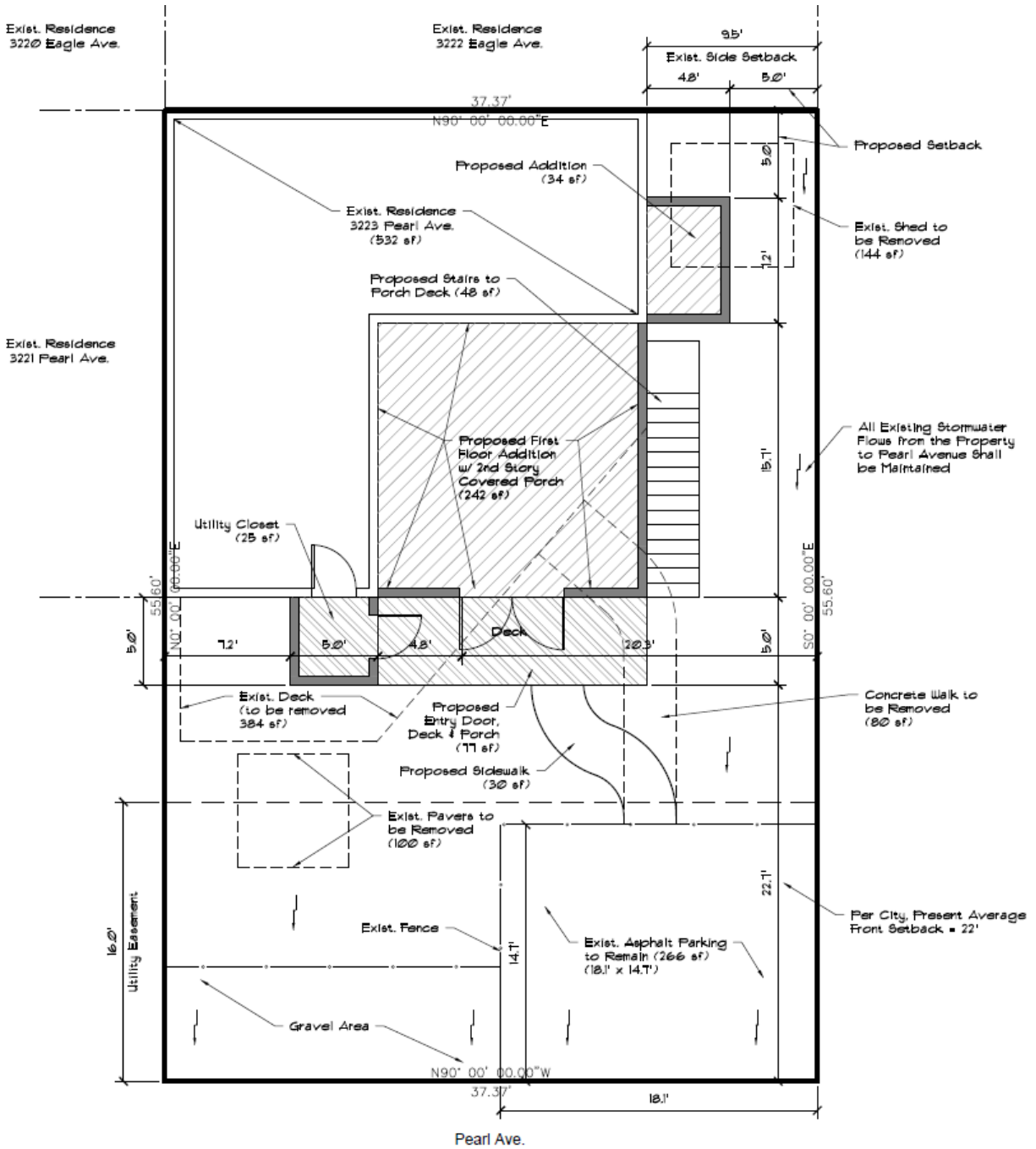
Boundary Survey Map of Unit 21, Block 7, KEY WEST ESTATES



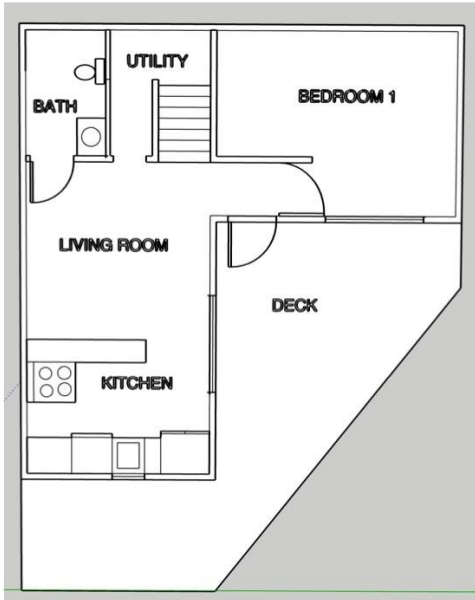
LEGEND

- Set 3/4" Iron Pipe w/cap (6298)
- Found 1/2" Iron Rod (PTS)
- ▲ Found Nail & Disc (6298)
- △ Set Nail & Disc (6298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R\W Right of Way
- CLF Chain Link Fence
- ⊕ Centerline
- ⊗ Wood Utility Pole
- ⊠ Concrete Utility Pole
- P- Overhead Utility Lines

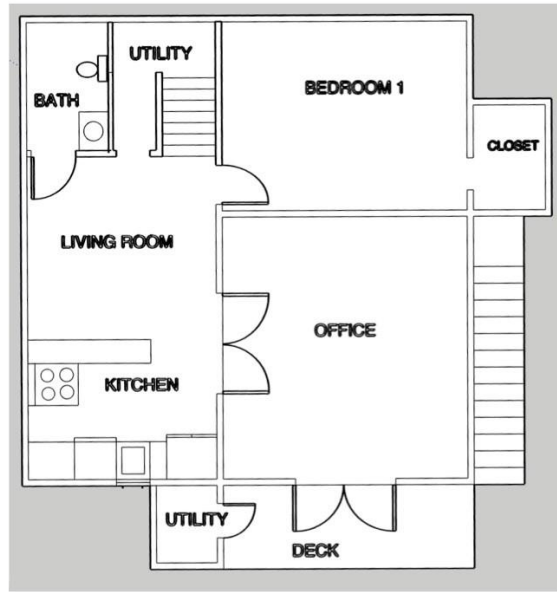
Proposed site plan: addition highlighted.



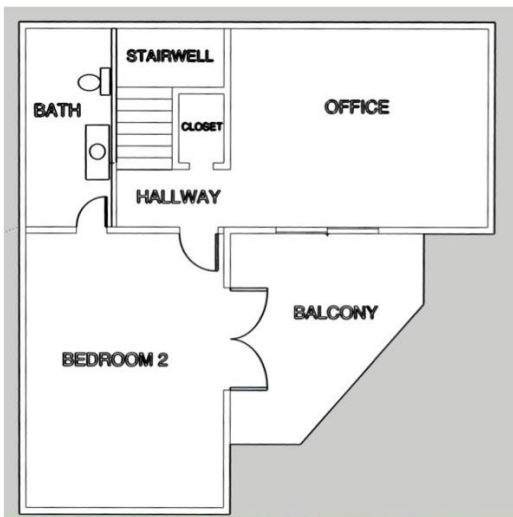
Existing and Proposed Floor Plans



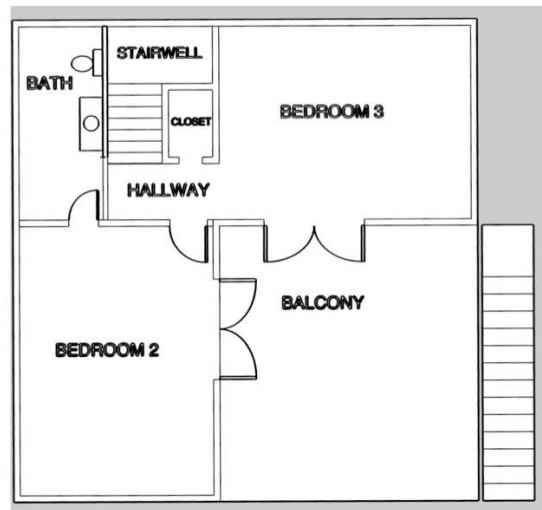
1st Floor Current



1st Floor Proposed



2nd Floor Current



2nd Floor Proposed

Proposed Elevations



FRONT ELEVATION

Scale: 1/4" = 1'-0"



SIDE ELEVATION

Scale: 1/4" = 1'-0"

Site Data Table

The site data table below provides the current and proposed site data for the property. Variances are proposed for maximum building coverage.

Site Data Table:				
	Code Required	Existing	Proposed	Variance Required
Zoning	MDR			
Flood Zone	AE8			
Minimum Lot Size/ Size of Site	*21,780 SF	2,078 SF	<i>*MDR req, parcel is apart of Smurf Village Development</i>	
Front Setback	30' <small>(or the average depth of front yards within 100 feet of the subject lot but not less than 20 feet.)</small>	28'	22'	No
Side Setback	7'	9.5'	5'	Yes (2')
Street Side Setback	N/A	N/A	N/A	N/A
Rear Setback	20'	0'	0'	No
Building Coverage	35% (726sf)	25.6% (532sf)	40.1% (833sf)	Yes (107')
Impervious Surface	50%	68.7%	52.9%	N/A
Open Space	35% (727sf)	31.3% (651sf)	47.1% (978sf)	No
Parking	1	1	1	No

Based on the plans submitted, the proposed design would require variances to the following requirements:

- Maximum Building Coverage of 40.1% instead of the permitted 35% (14.5% relaxation)
- A minimum side yard setback of 5 feet instead of the minimum required 7 feet (29% relaxation)

Process:

Planning Board Meeting:	December 12 th , 2023
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 property is a part of the unique nonconforming 'Smurf Village' subdivision which include multiple blocks of privately owned attached condominiums with private outdoor areas. Like many adjacent homes, this property is one individually owned unit in an attached fourplex that shares a roof with three other units. The property is legal nonconforming with respect to the lot size, approximately 91% smaller than the half-acre minimum required by Code and notably constrained with respect to the owner's ability to add functional facilities such as closets and utility rooms.

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 conditions that would trigger a variance requirement are created by the applicant's request to build an addition on the home, however the property constraints were created through a subdivision completed sometime before 1993. These conditions are common to any of the condominium units located within 'Smurf Village.'

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 applicant's request runs contrary to the strict application of the Land Development Regulations. However, the unique lot area, lot width, and setback parameters associated with this property are common to all development within the 'Smurf Village' development. In addition, similar additions/alterations have previously been completed within this neighborhood and the City is not aware of any resulting nuisance.

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 property currently accommodates a single-family home with off street parking and a deck. In this instance, the small size of existing lots within the development and existing substandard dimensional standards create a hardship for all existing homeowners.

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 applicant is seeking to construct additions totaling approximately 600 square feet, a portion of which is within the footprint of existing decking and a brick patio. Based upon the small size of the subject parcel, the requested relief is the minimum needed to reasonably accommodate additional living space.

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.*

Similar additions/alteration have previously been completed within this development without any significant adverse impacts to the public interest or public welfare. While not in strict compliance with the Land Development Regulations, the relief requested is consistent with the spirit and intent of the Land Development Regulations. Granting of the variance will be in harmony with the general intent and purpose of the land development regulations.

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.*

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 is considered grounds for the issuance of this variance.

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 been met by the applicant for the building coverage variance request.

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 applicant has not provided a letter of support from the adjacent property owners. The Planning Department has not received any objections of neighboring property owners.

Recommendation:

The subject application represents a reasonable balancing of the interests of the property owner with the expectations of surrounding neighbors, who have purchased their properties in reliance upon the protections of the Land Development Regulations. The application is in reasonable compliance with the Variance Criteria contained within Section 90-395 and discussed above. Planning Department respectfully recommends approval of the request subject to the following conditions:

General Conditions:

1. The proposed design shall be consistent with the plans signed, sealed, and dated, March 24th, 2023, by June Engineering Consultants Inc. for the property located at 3223 Pearl Ave.