



THE CITY OF KEY WEST PLANNING
BOARD
Staff Report

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Kimberly Barua, AICP, The Corradino Group

Meeting Date: April 21, 2022

Agenda Item: **Variance – 1311 Grinnell Street (RE# 00039410-000000)**- Variance request for exceeding the allowed maximum building coverage for an existing non-complying building, impervious surface ratio, minimum open space, and street side setback at a residence in the Historic Medium Density Residential (HMDR) zoning district pursuant to Sections 108-346 (b) and 122-600 (4)a., Section 122-600 (4)b., Section 122-600(6)d. and Section 122-1145 (1) b. of the City of Key West Land Development Regulations.

Request: A request for a variance to approve nonconforming building coverage, impervious surface, open space, and a reduction to the minimum street side setback. The applicant is proposing to build a pool and a parking space in the backyard.

**Property Owners/
Applicant:** Trepanier and Associates / Nature’s Boundary, LLC

Location: 1311 Grinnell St (RE# 00039410-000000)

Zoning: Historic Medium Density Residential (HMDR)



Grinnell Street View



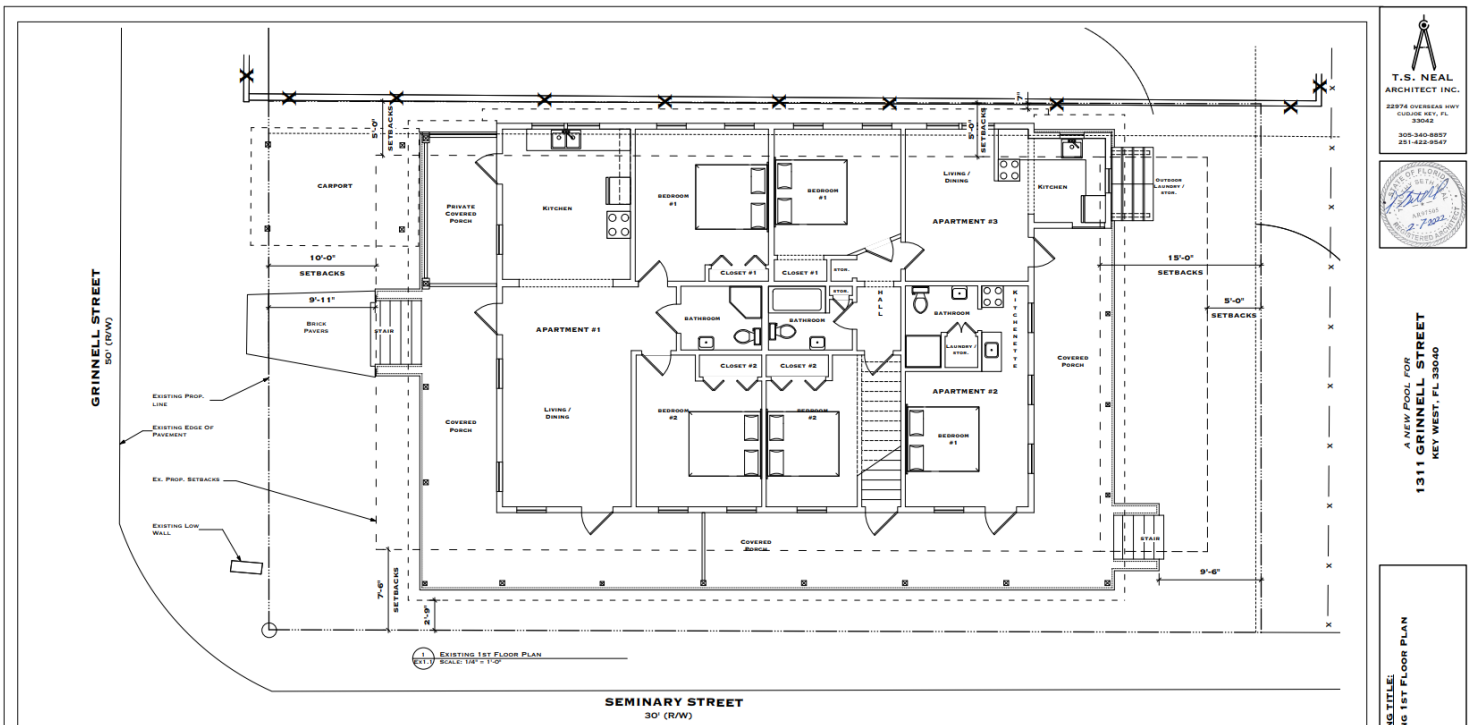
Seminary Street View

Background/Request: The subject parcel is one lot of record and is located within the Historic Medium Density Residential (HMDR) zoning district. The home faces Grinnell Street, and the lot is approximately 4,555 square feet, and is on the corner of Seminary Street. The house was built in 1943. The applicant wants to remodel the property, including removing an old shed, brick pavers and a carport, relocate stairs, and add a new pool and one parking space in the backyard.

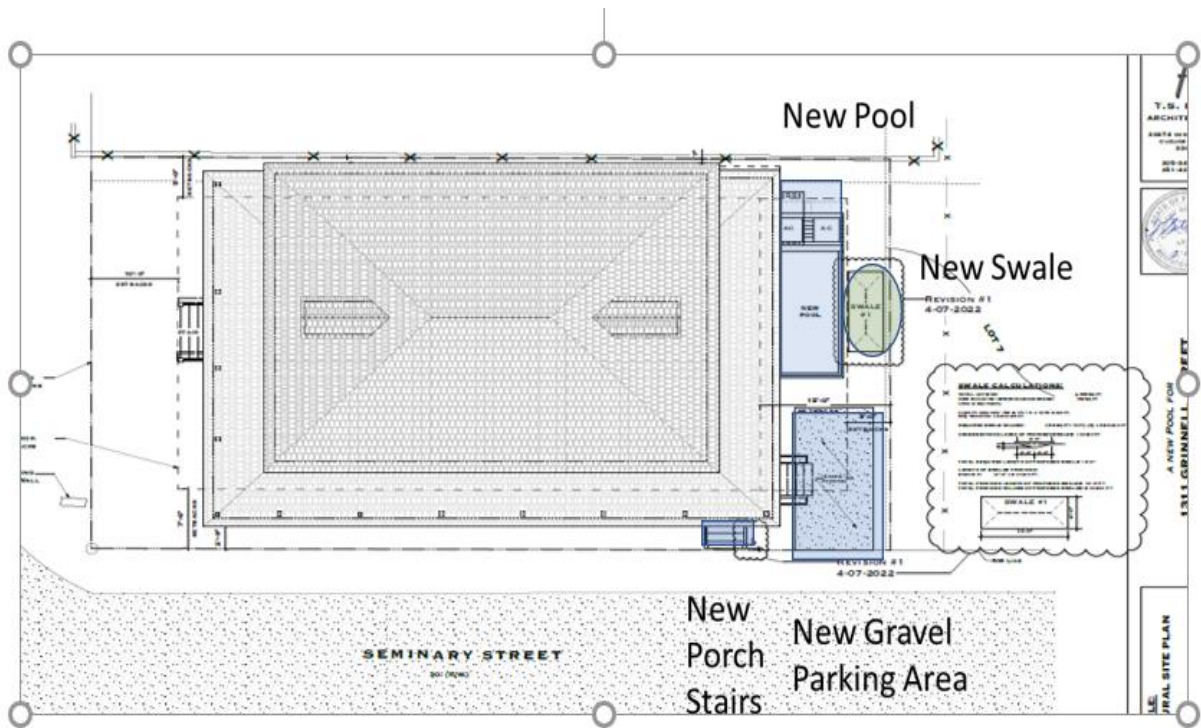
A variance is needed for noncomplying building coverage, noncomplying impervious surface, noncomplying open space, and a reduction in the street side setback to accommodate the relocated stairs.

It should be noted that the site data table includes the same data for proposed building coverage and impervious surface for this property. The pool area and the stairs are included in the building coverage calculations because they exceed the 30" threshold, and per City code, are considered structures. As depicted on sheet A3.1, the stairs and pool are elevated over 36 inches above grade. (Grade = 7.4'-7.7' NGVD 1929; Pool & First Floor Elevation = 10.875' NGVD 1929.)

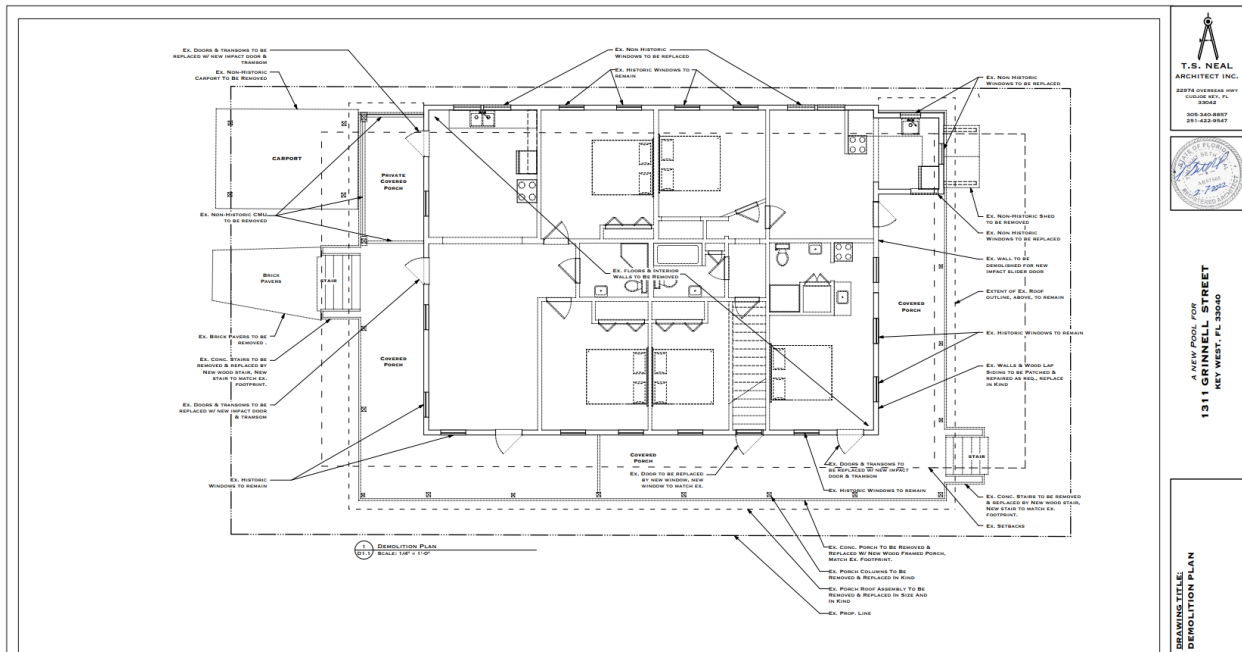
Current Site Plan, Submitted by Applicant



Proposed Site Plans, submitted by the applicant, 4/7/22



Proposed Demolition Plan, submitted by the applicant



Proposed Architecture Plan, submitted by the applicant



Site Data Table

	Required/Allowed	Existing	Proposed	Change/Variance Required?
Zoning		HMDR		
Flood Zone	NA			
Size of Site	4,000 sq ft	4,555 sq ft		
Building Coverage	40% (1,822 sq ft)	71% (3,227 sq ft)	70% (3,198 sq ft)	Variance Requested for 1,376 sq ft (Improvement)
Impervious Surface	60% (2,733 sq ft)	73% (3,322 sq ft)	70% (3,198 sq ft)	Variance Requested for 465 sq ft (Improvement)
Open Space Requirement	35% (1,594 sq ft)	27% (1,232 sq ft)	30% (1,356 sq ft)	Variance Requested for 238 sq ft. (Improvement)
Front Setback	10'	9'11"	9'11" (no change)	Existing non-compliance
Side Setback	5'	.7"	.7" (no change)	Existing non-compliance.
Street Side Setback (stairs can be 30")	7'5"	2'9"	.3" Addition of stairs	Variance requested for 7'2" inches
Rear Setback	15'	9'6"	9'6" (no change)	Existing non-compliance.

The applicant is requesting a variance pursuant to Sections 108-346(b) and 122-600 (4)a, 122-600(4) b., 122-600 (6) d. and 122-1145 (1) b. of the City of Key West Land Development Regulations:

For the house and pool:

The applicant is requesting 70% impervious surface ratio. The code requires no more than 60%. The applicant is requesting 30% open space requirement. The code requires no less than 35%. The applicant is removing a carport and shed and constructing a pool and pool equipment slab over 30" which is considered building coverage; the applicant is requesting 70% building coverage. The code requires no more than 40%.

For the outdoor staircase:

The applicant is requesting 0.3" side street setback. The code requires no less than 7'5".

Process:

Planning Board Meeting: April 21, 2022

HARC: TBD

Local Appeal Period: 10 days

DEO Review Period: up to 45 days

Staff Analysis- Evaluation:

The criteria for evaluating a variance are listed in Sections 122-600 of the City of Key West Land Development Regulations. 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.*

This historic structure and property similar to others in the City in that it is an existing non-complying structure due to exceeding building coverage, impervious surface coverage and encroaching into the setbacks. Although there are no special circumstances, the applicant is slightly reducing non-compliance with these proposed changes.

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 home was constructed in 1943. The proposal of the pool addition is created by the applicant. However, the property is already noncompliant with respect to building setbacks and other dimensional standards. The proposed action of the owner will slightly improve the status of the existing building coverage, impervious surface, and open space.

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, open space minimums and setback minimums to ensure life safety, general welfare, health standards, and aesthetics. The proposed changes would not be following the Code but would function to reduce the site's noncompliance with respect to building coverage, impervious surface, and open space.

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 the 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 1311 Grinnell Street is already not meeting the open space, impervious surface requirement, setbacks and building coverage requirements. The Land Development Regulation's open space requirement is designed to curtail overdevelopment on lots as well as safety of the block by regulating open space.

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.*

There are already multiple existing non-complying requirements (building coverage and impervious surface, open space and setbacks) on this property. The applicant is not requesting the minimum variance required.

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.*

Although the intended use is for the applicant's backyard, the variance will not be in harmony with the general intent of the land development regulations. The potential impact of stormwater runoff should be considered at this site.

NOT IN COMPLIANCE

7. *Existing nonconforming uses of other property shall not be considered as 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 the City Code have been met by the applicant for a variance.

The standards established by the City Code have not been fully met by the applicant for the variance requested.

That the applicant has demonstrated "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.

The Planning Board shall not grant a variance to permit a use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district.

No use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms or the ordinance in the zoning district would be permitted.

No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

No such grounds were considered.

No variance shall be granted that increase or has the effect of the increasing density or intensity of a use beyond that permitted by the comprehensive plan or these LDRs.

No density or intensity of a use would be increased beyond that permitted by the comprehensive plan or these LDRs.

RECOMMENDATION:

The proposed construction of an addition of a pool would decrease the already existing noncompliance of the property both impervious surface and open space requirements. The variance to the building coverage and impervious ratio requirement does not meet the criteria stated in Section 122-600. The variance to the open space requirement does not meet the criteria stated in Section 108-346. The variance to the side street setback does not meet the criteria stated in Section 122-600 and 122-1145. 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 4/7/2022 by T.S Neal.
2. Approval of new stair location from the Building Department.
3. Installation of a complete gutter system that drains roof runoff to a cistern and/or appropriately sized swales in the remaining on-site open space.