

RESOLUTION NO. 2024-029

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD APPROVING A REQUEST FOR VARIANCES TO BUILDING COVERAGE, REAR SETBACK, AND OPEN SPACE REQUIREMENTS TO CONSTRUCT A SINGLE-FAMILY DWELLING AT PROPERTY LOCATED IN THE SINGLE-FAMILY ZONING DISTRICT PURSUANT TO SECTION 90-395 AND 122-238 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, the subject property is located at 1015 Casa Marina Court (RE#: 00058690-000000), in the Single Family zoning district (SF), and

WHEREAS, Section 122-238 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provide that the minimum rear setback in the SF district is 25 feet, maximum building coverage is 30 percent, and minimum open space is 35 percent; and

WHEREAS, the proposed rear setback is 15 feet and zero inches, the proposed building coverage is 50.4 percent, the proposed open space is 31 percent ; and

WHEREAS, the Key West Planning Board (the “Board”) finds that circumstances exist which are peculiar to the land, structure, or building involved and that special conditions which are not applicable to other land, structures, or buildings in the same district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Board finds 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; and

WHEREAS, the Board finds 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; and

WHEREAS, the Board finds that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Board finds 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; and

WHEREAS, the 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; and

WHEREAS, the Board finds that the applicant has satisfied the conditions of Section 90-395 of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) and likewise met the requirements established by Code Section 90-274; and

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. An approval by Resolution of the Key West Planning Board for approving a request for a variance to a rear yard setback of 15 feet and zero inches instead of the minimum

required 25 feet, a variance to building coverage of 50.4 percent instead of the maximum 30 percent, and a variance to open space of 31 percent instead of the minimum 35 percent pursuant to Sections 122-238 and 90-395 of the LDRs for a property located within the SF zoning district.

General Conditions:

1. The proposed design shall be consistent with the attached plans by Robert Hulec of Lakewood Engineering, signed and sealed on May 28, 2024
2. The applicant shall meet all stormwater management requirements of the Land Development Regulations prior to obtaining a Certificate of Occupancy for the proposed structures.
3. All stormwater runoff shall be retained on-site.

Section 3. It is a condition of this variance that full, complete and final application for all conditions of this approval for any use and occupancy for which this variance is wholly or partly necessary, shall be submitted in its entirety within two years after the date hereof; and further, that no application shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

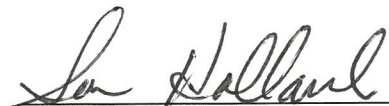
Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

Section 5. This variance does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 6. 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 Board.

Section 7. This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Commerce. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DOC with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period, the DOC can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 18th day of July, 2024.



Sam Holland, Jr. Planning Board Chairman

7/30/2024
Date

Attest:



Katie Halloran, Planning Director

7/26/2024
Date

Filed with the Clerk:

 Chairman
 Planning Director

[Handwritten signature]

Keri O'Brien, City Clerk

7/30/2024

Date

[Handwritten signature] Chairman
[Handwritten signature] Planning Director

1015 CASA MARINA CT. - NEW SINGLE FAMILY HOME

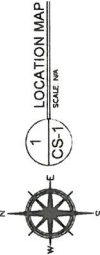
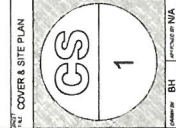
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by Robert Hulec
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1015 CASA MARINA CT. (10 X 20)
KEY WEST, FL 33040
LAWWOOD ENGINEERING
1015 CASA MARINA CT.
KEY WEST, FL 33040
P. 305.241.1111
F. 305.241.1111

DATE	REV SET	DESCRIPTION
4/19/24	1	FOR PLANNING REVIEW

NEW SINGLE FAMILY HOME
1015 CASA MARINA CT
KEY WEST, FL 33040



SCOPE OF WORK
DESIGN AND CONSTRUCTION OF CONCRETE SINGLE FAMILY RESIDENCE WITH CARPORT

PROJECT LOCATION
1015 CASA MARINA CT
KEY WEST FL 33040

LEGAL DESCRIPTION
KW MARTELLO TOWERS PBI-140 LOT 11 SOR 5 TR
27 ORS02-452

SECTION/RANGE
0568025

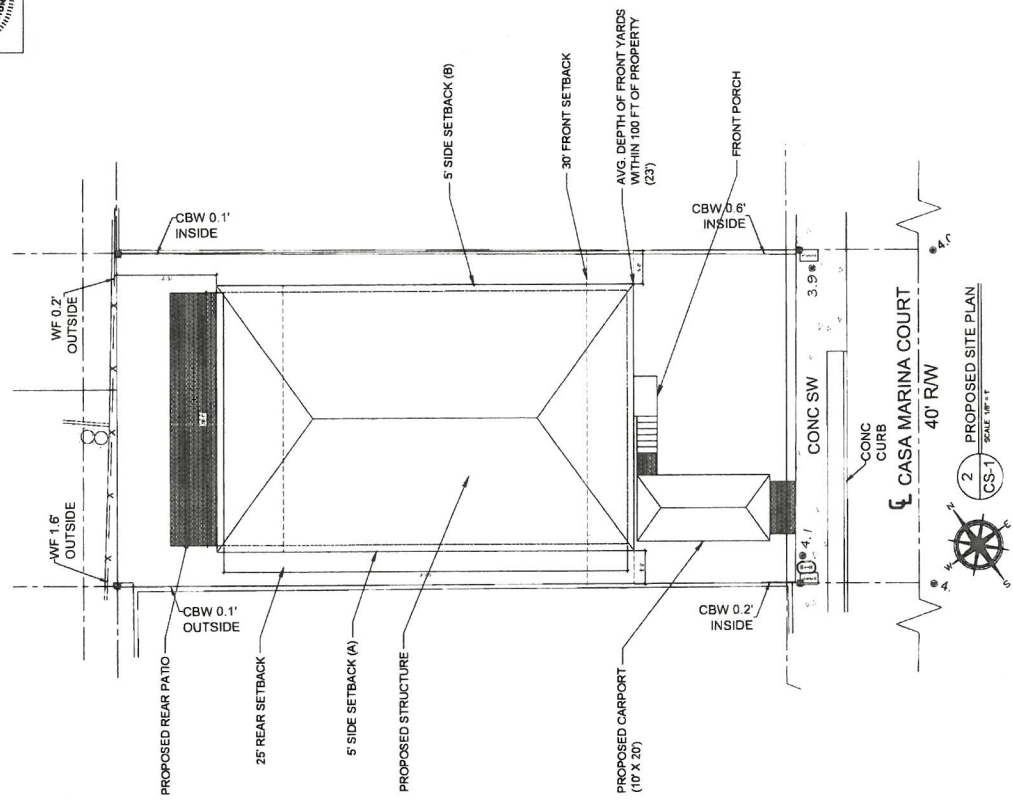
FLOOD CRITERIA
FLOOD ZONE VINE-B
BASED UPON N.G.V.D. 1929

SHEET LIST
CS-1 COVER SHEET & SITE PLAN
A-1 ORIGINAL SURVEY
A-2 PROPOSED ELEVATIONS

GENERAL NOTES
CONTRACTOR TO NOTIFY ENGINEER OF ANY FIELD CHANGES OR UNFORSEEN CONDITIONS. ALL WORK TO BE PERFORMED IN ACCORDANCE WITH APPLICABLE CODES.

CODE REQUIREMENT	ORIGINAL	PROPOSED	VARIANCE REQUEST
ZONING	AE-8/AE-7	N/A	N/A
FLOOD ZONE	5.000	N/A	N/A
SIZE OF SITE	30'-0"	16'-7"	23'-0"
FRONT SETBACK	5'-0"	6'-9"	5'-0"
SIDE SETBACK A	5'-0"	3'-3"	5'-0"
SIDE SETBACK B	25'-0"	39'-3"	15'-0"
REAR SETBACK	35%	31%	50%
BUILDING COVERAGE	50%	39%	19%
IMPERVIOUS SURFACE	35%	61%	31%
OPEN SPACE/LANDSCAPING			

ORIGINAL COVERAGES		PROPOSED COVERAGES	
MAIN HOUSE	1,053 SF	MAIN HOUSE	2,300 SF
REAR COVERED PORCH	172 SF	CARPORT	200 SF
SHED	26 SF	FRONT PORCH	21
FRONT COVERED PORCH	273 SF		
CARPORT	273 SF		
TOTAL	1,548 SF	TOTAL	2,521 SF
	31.0%		50.4%
STRUCTURES	1,548 SF	GRADE BEAMS (EST.)	378 SF
CONCRETE PADS	418 SF	FRONT WALK/STAIRS	27 SF
		DRIVE (INCL. CARPORT)	224 SF
		REAR PATIO	304 SF
TOTAL	1,966 SF	TOTAL	933 SF
	35.3%		18.7%



SCALE: 1/8" = 1'-0"

NOTE: EXISTING STRUCTURE HAS BEEN DEMOLISHED UNDER SEPARATE PERMIT

Handwritten notes:
CS-1
7/26/2024

Digitally signed
by Robert
Hulec
Date: 2024.04.19
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STATE OF MASSACHUSETTS
REGISTRAR OF DEEDS
OFFICE OF RECORDS
100 STATE STREET, 10TH FLOOR
BOSTON, MA 02109
TEL: 617-725-2000
WWW.REGISTRAR.DESKS.STATE.MA.US

ROBERT HULEC, P.E.
Professional Engineer
No. 100000
LATEWOOD ENGINEERING
1000 WASHINGTON STREET
BOSTON, MA 02109
TEL: 617-267-1100
WWW.LATEWOODENGINEERING.COM

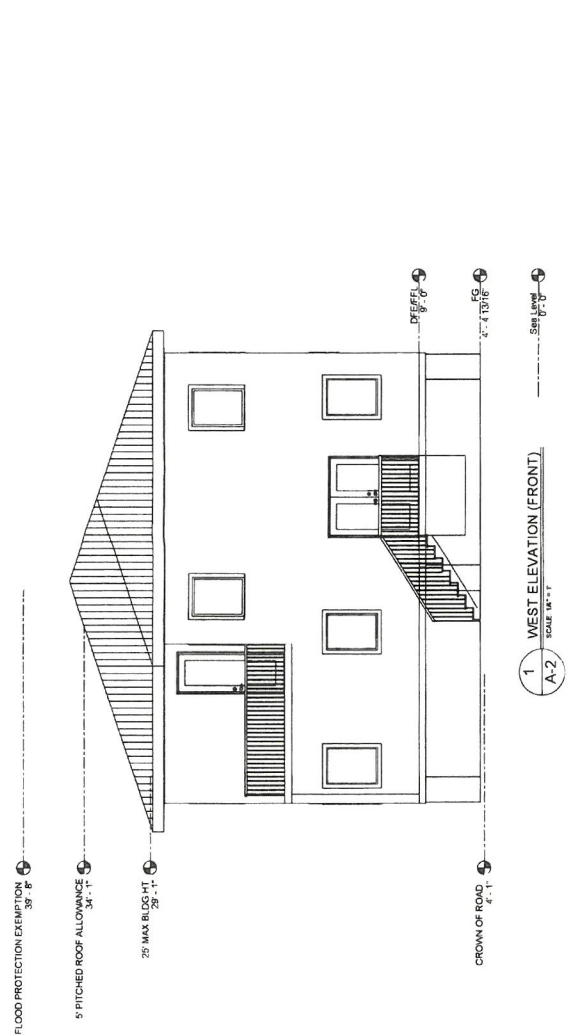
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NEW SINGLE FAMILY HOME
1015 CASA MARINA CT.
KEY WEST, FL 33040

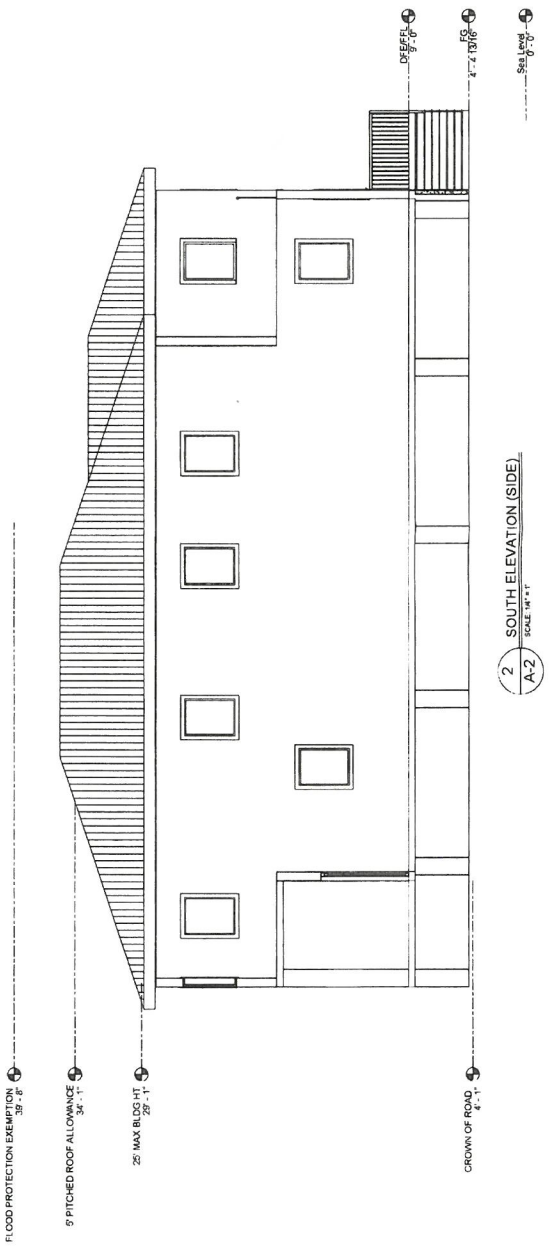
REV ELEVATIONS

A	2
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Sheet: BH
Project: 24-0001-01-00



1 WEST ELEVATION (FRONT)
SCALE: 1/8" = 1'-0"



2 SOUTH ELEVATION (SIDE)
SCALE: 1/8" = 1'-0"

Handwritten notes:
Hulec
10/1/24
10/1/24