

**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Jordan Mannix-Lachner, Planner II

Meeting Date: November 21, 2024

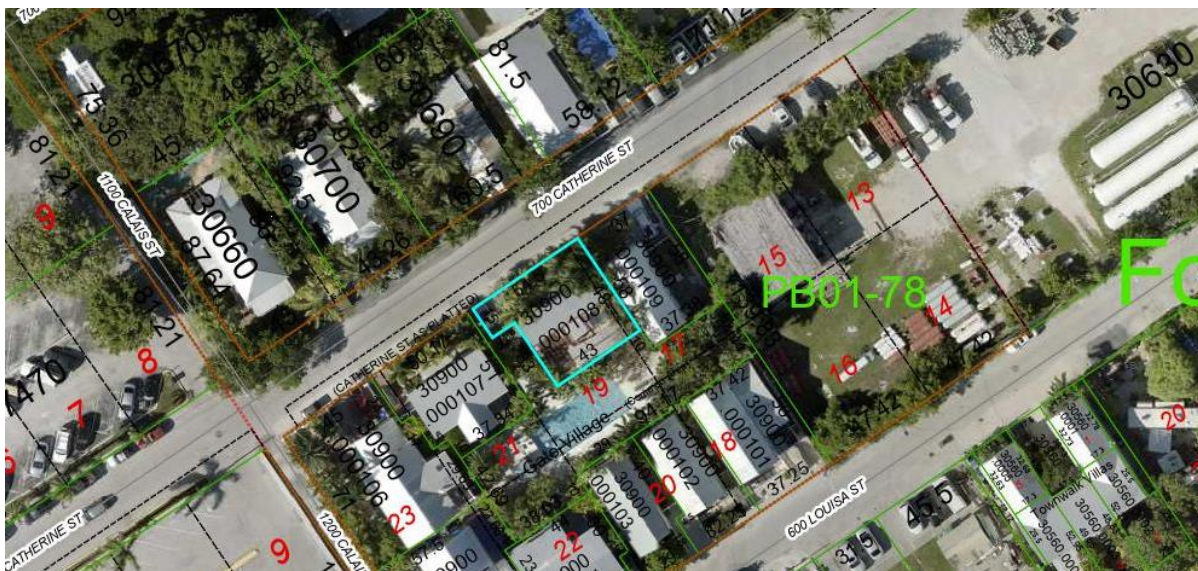
Application: **Variance – 704 Catherine Street (RE# 00030900-000108)** – A request to reduce the minimum required side yard setback from five (5) feet to three feet and one inch (3'1") and three feet and seven inches (3'7") feet and the minimum required rear yard setback from fifteen (15) feet to three feet and one inch (3'1") in order to create habitable space in the attic level of a single-family residence with existing nonconforming setbacks, for property located in the Historic Medium Density Residential (HMDR) zoning district pursuant to Sections 90-395, 122-32, and 122-600 of the Land Development Regulations of the City of Key West, Florida.

Request: The subject property contains an existing single-family dwelling which currently encroaches on the side and rear setbacks. The applicant is proposing to convert the attic level into habitable space, which involves expanding the three-dimensional building envelope within the existing nonconforming setbacks.

Applicant: Aileen Osborn, A2O Architecture, LLC

Property Owner: Anthony Antich

Zoning: Historic Medium Density Residential zoning district



Background & Request

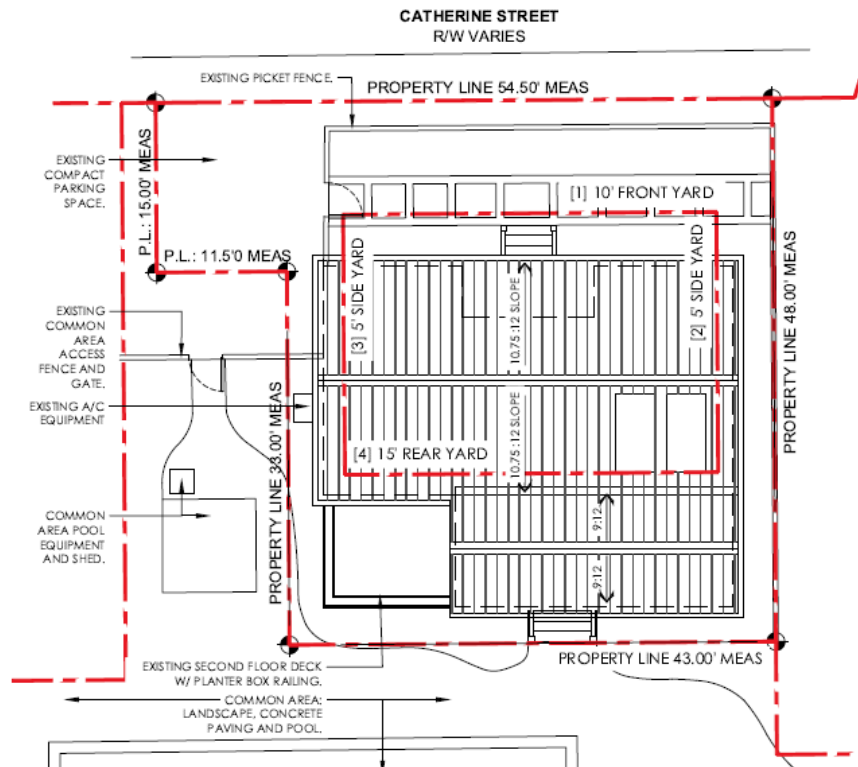
The subject property is a 2,236 square-foot (sq. ft.) parcel located at 704 Catherine Street in the Historic Medium Density Residential District. The property contains a two-and-a-half story, 1,930 sq. ft. single-family dwelling. The structure is a non-historic, non-contributing structure.

The structure has an unfinished half-story attic. The applicant proposes to convert the attic into habitable space. In addition to interior proposed work would involve modifications to the rear roof line, new skylights, and a pergola over an existing second-floor deck. The structure currently has nonconforming setbacks on both side yards and at the rear yard. The proposed work involves expansions to the three-dimensional envelope of the structure in areas that encroach on required setbacks, which triggers the variance requirement.

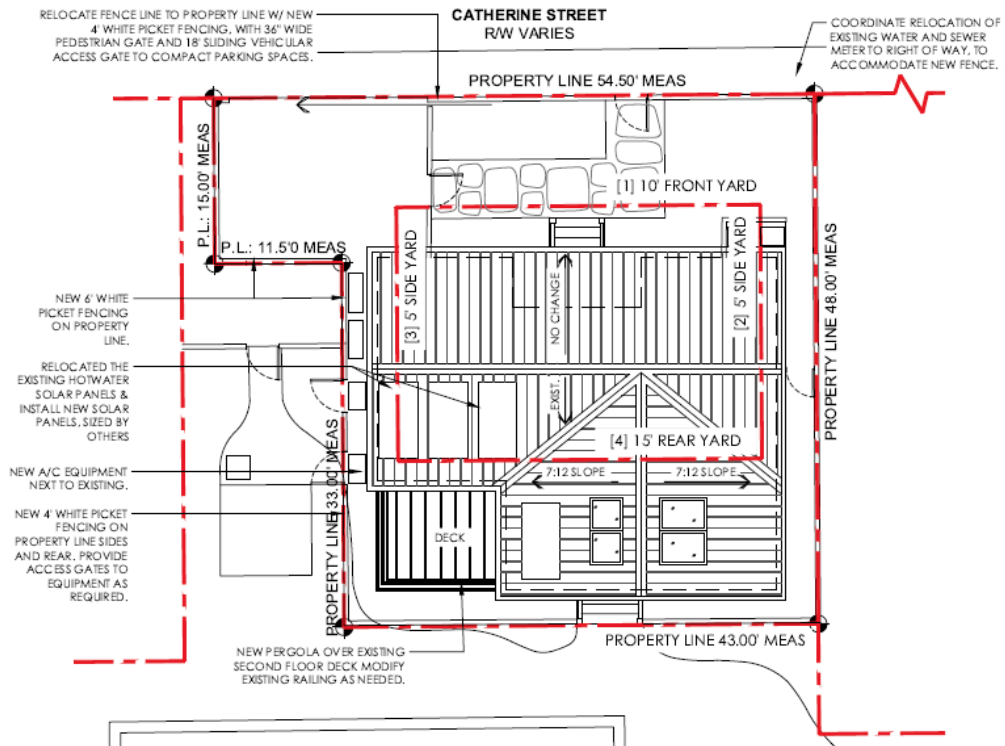
SITE DATA

	Permitted	Existing	Proposed
Lot Size	4,000 sq. ft.	2,236.5 sq. ft.	2,236.5 sq. ft.
Building Coverage	40% (894 sq. ft.)	48.78% (1,091 sq. ft.)	48.8% (1,091 sq. ft.)
Impervious Surface	60% (2,192.24 sq. ft.)	59.4% (1,329 sq. ft.)	59.8% (1,339 sq. ft.)
Open Space	35% (1,278.90 sq. ft.)	40.6% (907.4 sq. ft.)	40% (897.46 sq. ft.)
Building Height	30'	29'4"	29'4"
Front Setback	10'	14'9 5/8"	14'9 5/8"
East Side Setback	5'	3'1"	3'1"
West Side Setback	5'	3'7"	3'7"
Rear Setback	15'	3'1"	3'1"

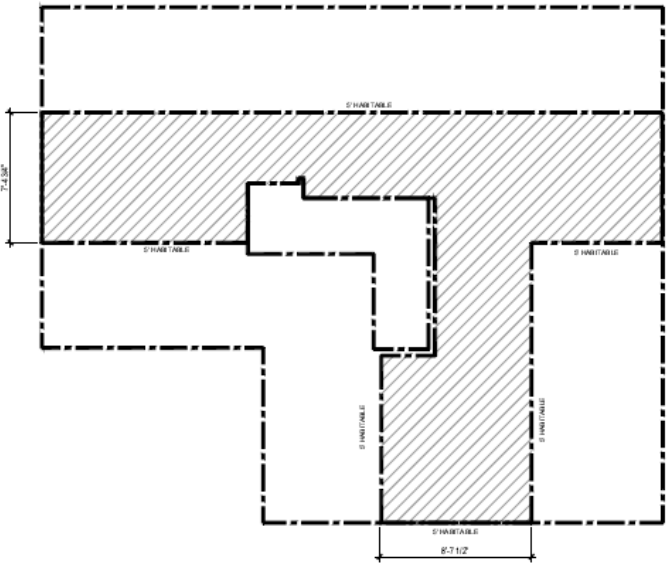
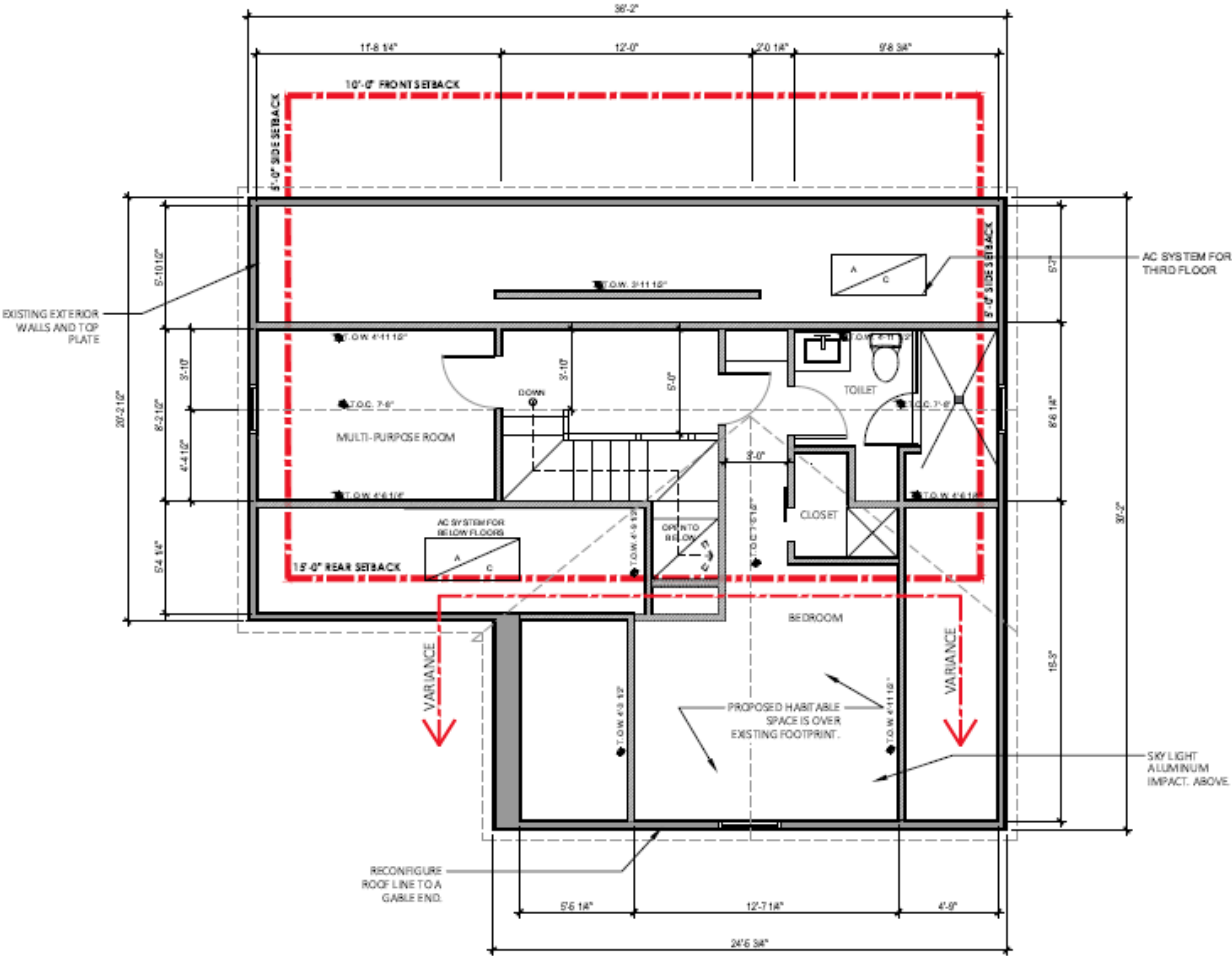
Existing Site Plan



Proposed Site Plan



Proposed Third Floor Plan (Currently Unfinished)



PROPOSED HALF STORY = 40.60% OF THE FLOOR AREA BELOW.

Process:

Planning Board Meeting:	October 17, 2024
Local Appeal Period:	10 Days
Planning renders to DOC for review:	Up to 45 days

Staff 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.*

There are no special circumstances which exist that 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.

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.*

There are no special conditions or circumstances that exist.

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.*

Granting the variance would confer on the applicant the ability to increase the floor area within nonconforming setbacks, which is not permitted for other properties in the same zoning district.

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.*

Literal interpretation of the provisions of the land development regulations would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. All properties in the zoning district are subject to the same setback requirements.

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 variance that will make possible the reasonable use of the land, building or structure. The structure currently functions as a dwelling.

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 is not likely to be injurious to the area involved or otherwise detrimental to the public interest. The proposed work that triggers the variance requirement primarily relates to the roofline. Those modifications, which are proposed within the existing two-dimensional footprint of the structure, do not appear to be significant to the point that they would be injurious to the area involved or detrimental to the public interest or welfare.

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 nonconforming uses of other properties are not the basis of 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:

1. *That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.*

Staff has found that the standards established by Section 90-395 of the City Code have not been met by the applicant.

2. *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.*

At this time staff is not aware of any objections expressed by neighbors.

Recommendation:

The variance request to the minimum required rear yard, east side yard, and west side yard setbacks for the property located at 704 Catherine Street does not meet all the criteria stated in Section 90-395. Therefore, the Planning Department recommends that the request for a variance be denied.

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

General Conditions:

1. The proposed work shall be consistent with the attached signed and sealed on August 14, 2024 by Aileen A. Osborn.