

RESOLUTION NO. 2025-__

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING VARIANCES TO THE REAR SETBACK REQUIREMENT FROM A REQUIRED 25' SETBACK, TO A PROPOSED 13'5" REAR SETBACK FOR A REAR BATHROOM ADDITION TO AN EXISTING SINGLE FAMILY HOME, ON PROPERTY LOCATED WITHIN THE SINGLE – FAMILY RESIDENTIAL (SF) ZONING DISTRICT PURSUANT TO CHAPTER 122, ARTICLE IV, DIVISION 3, SUBDIVISION III, SEC. 122-238, AND SEC.90-395 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, the real property located at 1619 Atlantic BLV and identified by RE# 00061590-000000 is located in Single-family Residential District (SF) Zoning District; and

WHEREAS, pursuant to 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”) the minimum required rear setback is 25’; and

WHEREAS, the owner of the real property located at 1619 Atlantic BLV submitted a request for variance to allow a rear setback of 13’5”;

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on June 18, 2025; 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;

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. A request for a variance to the required rear setback, from a required 25' to a proposed 13'5", pursuant to Chapter 122, Article IV, Division 3, Subdivision III, Sec. 122-238 and Sec.90-395 of the Code of Ordinances of the City of Key West, Florida is hereby approved with the following conditions:

General Conditions:

1. The proposed construction shall be consistent with the plans prepared by Slim Engineering dated April 24th, 2025.
2. The hours of construction shall follow City Code.
3. During all phases of construction, temporary fencing shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris unless the required right-of-way permit is obtained.

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.

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 (DOC). 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.

Authenticated by the Chair of the Planning Board and the Planning Director.

Peter Batty, Planning Board Chairman

Date

Attest:

Katie Halloran, Planning Director

Date

Filed with the Clerk:

Keri O'Brien, City Clerk

Date