


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



To: Chairman and Planning Board Members

Through: Patrick Wright, Planning Director

From: Angela Budde, Planner I 

Meeting Date: June 20, 2019

Agenda Item: **Variance – 1213 14th Street (RE# 00065030-000000)** - A request for a variance to the front setback requirement in order to elevate the office building at Stadium Mobile Home Park above base flood elevation, the addition of a lift compliant with the American Disabilities Act (ADA) standards and renovate the interior of the office building for a property located in the Medium Density Residential (MDR) Zoning District pursuant to Sections 90-395, and 122-270 (6) (a) (1) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: The applicant is proposing to elevate the existing office building above base flood elevation, renovating the existing office space, and including the addition of a lift compliant with ADA standards that encroach into the front setback of the property.

Applicant: Trepanier & Associates, Inc.

Owner: Island-West Investment Corp.

Location: 1213 14th Street (RE# 00065030-000000)

Zoning: Medium Density Residential (MDR) Zoning District



Background and Request:

The office building at Stadium Mobile Home Trailer Park, 1213 14th Street, is a one-story building located with the Medium Density Residential (MDR) Zoning District. The property is not located within the Key West Historic District and it does not contain a contributing structure.

The applicant is proposing to elevate the office building above base flood elevation. The plans submitted by the applicant are proposing the addition of a lift compliant with ADA standards that will require a variance to the minimum front setback. The submitted plans also show renovations to the interior of the office building.

The following table summarizes the requested variance:

| Relevant MDR Zoning District Dimensional Requirements: Code Section 122-270 | | | | |
|------------------------------------------------------------------------------------|--------------------------|-------------------|-------------------|-------------------------------------------------------------|
| Dimensional Requirement | Required/ Allowed | Existing | Proposed | Change / Variance Required? |
| Flood Zone | AE 7 and AE 8 | | | |
| Minimum lot size | One-half acre | 974,872.8 sq. ft. | 974,872.8 sq. ft. | No Change/ In compliance |
| Maximum height | 35 Feet | 10.5 Feet | 21.5 Feet | Change/ In compliance |
| Minimum front setback | 20 feet | 20.5 Feet | 16.1 Feet | Change Variance Requested (3 feet 11 inches) |
| Minimum side setback | 7 Feet | 7 Feet | 7 Feet | No Change/ In compliance |
| Minimum rear setback | 20 Feet | 10 Feet | 10 Feet | No Change/ In compliance |
| F.A.R. | | | | In compliance |
| Maximum building coverage | 35% | 35% | 35% | In compliance |
| Maximum impervious surface | 50% | 50% | 50% | In compliance |
| Minimum Open Space | 35% | 35% | 35% | In compliance |

Process:

Planning Board Meeting:

June 20, 2019

Local Appeal Period:

10 days

DEO Review Period:

up to 45 days



Office Building



Analysis – Evaluation for Compliance With The Land Development Regulations:

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 of 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 land, structures and buildings involved are located on the property within the MDR zoning district. The lot was developed prior to the adoption of the current Land Development Regulations (LDRs).

However, many other land, structures and buildings within the MDR Zoning District were also developed prior to the adoption of the current LDRs. Therefore, there are no special conditions or circumstances that exist that are peculiar to the land, structures or buildings involved.

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 Applicant is proposing to elevate the existing building above base flood elevation due to the continual flooding that occurs in the area. The nonconformity of the minimum front setback will be created by applicant due to the nature of the design.

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 condition of the variance to minimum front setback requirement will be created by the applicant. Therefore, granting the requested variance would confer special privileges upon the applicant that are denied by the LDR's to other lands, buildings and structures in the MDR 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.***

Denial of the requested variance would not deprive the applicant of rights commonly enjoyed by other properties in the MDR Zoning District. Although hardship conditions do not exist, the applicant is improving the site by elevating the structure above base flood elevation.

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 required that will make possible the reasonable use of the land, building, or structure. However, it is the minimum necessary to accommodate the request.

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 Applicant is proposing to elevate the existing building above base flood elevation due to the continual flooding that occurs in the area. The proposed construction will also include the installation of a lift compliant with the ADA standards. The granting of the requested variances would not be injurious to the area involved and otherwise detrimental to the public interest.

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 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 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 not been fully met by the applicant for the variance requested.

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 Planning Department has not received any public comment for the variance request as of the date of this report.

Pursuant to Code Section 90-392, in granting such application the Planning Board must make specific affirmative findings respecting each of the matters specified in Code Section 90-394.

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 of 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 increases or has the effect of 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:

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variances be **denied**.

However, if the Planning Board approves this request, staff would like to require the following conditions:

General Conditions:

1. The proposed development shall be consistent with the plans signed, sealed and dated June 13, 2019 by Serge Mashtakov, P.E. No approval granted for any other work or improvements shown on the plans other than the renovation of the interior of the office building, the addition of a lift compliant with ADA standards and elevating the office building above base flood elevation.