



THE CITY OF KEY WEST

PLANNING BOARD

Staff Report

To: Chairman and Planning Board Members

From: Taylor Brown, Planning Director

Meeting Date: June 18, 2026

Agenda Item: **Variance - 325 Duval Street, Rear (RE# 00004320-000000)** An after-the-fact request for a variance from the required parking standards associated with the construction of an outdoor bar, commercial floor area, and associated consumption area at a property located in the Historic Residential Commercial Core-1 (HRCC-1) zoning district, pursuant to Sections 90-395 and 108-572 through 108-574 of the Code of Ordinances of the City of Key West, Florida.

Request: This application is a request for a parking variance of 36 spaces to address after-the-fact improvements constructed without permits, currently subject to an open code enforcement case, including two tiki huts: one containing a full bar and the other functioning as a stage for live performers, as well as an open-air consumption area with seating totaling 1,025 square feet.

Applicant: Smith Hawks, PL

Property Owner: Key West Hotel LLC

Location: 325 Duval Street (RE# 00004320-000000)

Zoning: Historic Residential Commercial Core – (HRCC-1)

Background and Analysis

The subject property, located at 325 Duval Street, consists of a hotel containing 12 transient units. The applicant has constructed, without permits, an outdoor bar, live music stage, and associated seating area in the rear of the property, which are currently subject to an open code enforcement case. This application seeks after-the-fact approval of those improvements.

The property previously received approvals to serve alcohol within 300ft of a Church through PB Resolution 2024-015 and then allowed to serve through a moveable bar fronting Duval street through PB Resolution 2025-041 (conditional use) and PB Resolution 2025-040 (alcohol sales exception).

While the property does fall into the *historic commercial pedestrian-oriented area*, pursuant to Section 108 -573 (b)(a)(1) *parking requirements shall be applied whenever: New nonresidential floor area is constructed*; In this case, the addition of the outdoor commercial floor area triggers the parking requirement.

Section 108-572 requires one parking space per 45 square feet of consumption area for bar/lounge uses. Based on the proposed 1,025 square feet of consumption area, a total of 23 parking spaces are required for the bar use.

The existing hotel use requires one parking space per unit, plus one additional space for a manager, resulting in a total requirement of 13 spaces.

As no on-site parking is currently provided, the total parking deficiency associated with both the existing and proposed uses is 36 spaces.

The proposed expansion of commercial activity increases the site’s parking demand despite the property already operating with a complete parking deficiency.

Sec 108-575: Computation of parking spaces.

(5) Applicability of standards to expanding uses. Whenever a building or use is enlarged in floor area, number of dwelling units, seating capacity or in any other manner so as to create a need for a greater number of parking spaces than that existing, such spaces shall be provided in accordance with this section. Any parking deficiency shall be brought into conformity concurrently with the enlargement or change of use.

Proposed Development:

The parking table is shown below:

	Required	Existing	Proposed
Bar/ Lounge	1 Space per 45sf of Consumption Area	0	0
Hotel Use	1 Space per Unit + Plus 1 for Manager	0	0

Process:

Development Review Committee:	January 22, 2026
Tree Commission Meeting (Conceptual landscape plan & tree removal approval):	None required due to limited scope of landscaping work
Planning Board Meeting: Tree Commission Meeting (Final landscape plan approval):	May 21, 2026
Local Appeal Period:	TBD
Planning renders to DOC for review:	10 Days Up to 45 days

VARIANCE CRITERIA:

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.*

The constraints described are typical of properties within the HRCC-1 zoning district and do not represent unique conditions peculiar to this parcel. **Does not comply.**

2. *Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.*

The need for the variance results from the applicant’s decision to expand the intensity of use on the property. **Does not comply.**

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.*

This would allow the property owner to expand commercial use without providing required parking, which is required of other property owners. **Does not comply.**

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 application of the LDRs would not deprive the applicant of rights commonly enjoyed by other properties. **Does not comply.**

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 property currently functions as a hotel without the proposed bar and expanded consumption area. The requested variance is not the minimum necessary to allow reasonable use of the property, but rather to accommodate an expansion of commercial activity. **Does not comply.**

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.*

Granting the requested variance would permit a significant increase in commercial intensity without providing required parking, which is not in harmony with the intent of the Land Development Regulations and may adversely impact the surrounding area. **Does not comply.**

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 is not the basis for the request. **Complies**

RECOMMENDATION

The Planning Department recommends that the request for a Parking Variance be **DENIED**, as the applicant has failed to meet the criteria set forth in Section 90-395 of the Code of Ordinances.