



**THE CITY OF KEY WEST
PLANNING BOARD**

Staff Report

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Ben Gagnon, Planner II

Meeting Date: July 17, 2025

Application: **Variance - 1709 Washington Street (RE# 00043100-000000)** - Applicant requests a variance to the required rear yard setback from the required 25 feet to the proposed 18 feet 10 inches to enclose an exterior porch for interior habitable space at an existing residential property located in the Single-Family Zoning District (SF) pursuant to sections 90-395 and 122-238 of the Code of Ordinances of the City of Key West, Florida.

Request: The subject property proposes to enclose the covered rear porch, located under the existing roof, and convert it into a bedroom and bathroom.

Applicant: Andrew Freckman

Property Owner: Andrew & Amy Freckman

Zoning: Single Family



Background & Request

The subject property is a 4,862 square-foot parcel located at 1709 Washington Street, within the Single-Family Zoning District. The site is currently developed with a one-and-a-half-story single-family residence. The applicant is requesting a variance to enclose an existing covered rear porch and convert the space into a bedroom and bathroom. No expansion of the building footprint or modifications to the site data table are proposed. However, a variance is required, as the proposed conversion constitutes an intensification of a legal nonconforming use by introducing additional habitable space into the required rear yard setback.

Sec 86-9 “Habitable space is a room or space in a building designed for human occupancy that may be used for living, sleeping, eating or food preparation, or in which individuals congregate for amusement, educational or similar purposes or in which occupants are engaged at labor, and which is equipped with means of egress and light and ventilation facilities meeting the requirements of provisions. Storage or utility spaces and similar areas are not considered habitable space. All habitable space shall be accessible from the interior of exterior walls.”

Sec 122-32 (d) “A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. This prohibition shall include but not be limited to the extension of a nonconforming use within a building or structure or to any other building or structure.”

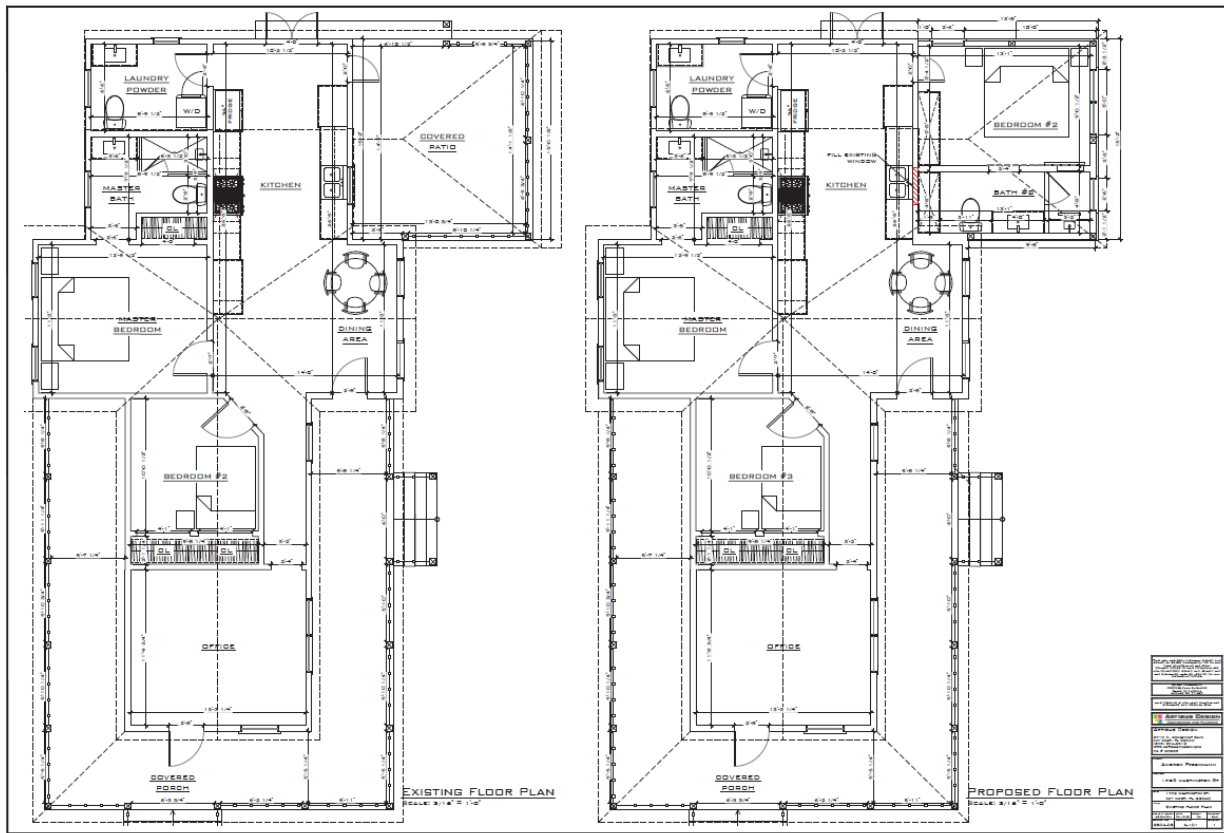


EXISTING FRONT ELEVATION
SCALE: 3/8" = 1'-0"

SITE DATA

| | Permitted | Existing | Proposed | Variance? |
|----------------------------|---------------|---------------|-----------|------------|
| Lot Size | 6,000 sq. ft. | 4,862 sq. ft. | No Change | |
| Building Coverage | 35% | 37.4% | No Change | No |
| Impervious Surface | 50% | 54.7% | No Change | No |
| Open Space | 35% | 30.1% | No Change | No |
| SETBACKS | | | | |
| Front Setback | 30' | 15' 1" | 5' | No |
| Side Setback (east) | 5' | 5' 8" | No Change | No |
| Side Setback (west) | 5' | 6' 3" | No Change | No |
| Rear Setback | 25' | 18' 10" | No Change | <u>Yes</u> |

Existing / Proposed Site Plan



Process:

Planning Board Meeting:

July 17, 2025

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 habitable 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.

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.*

As of July 10th, staff have received no letters of objection or support from neighbors.

Recommendation:

The variance request to the minimum required rear yard setback for the property located at 1709 Washington 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 plans on April 30, 2025 by Serge Mashtakov of Artibus Design.