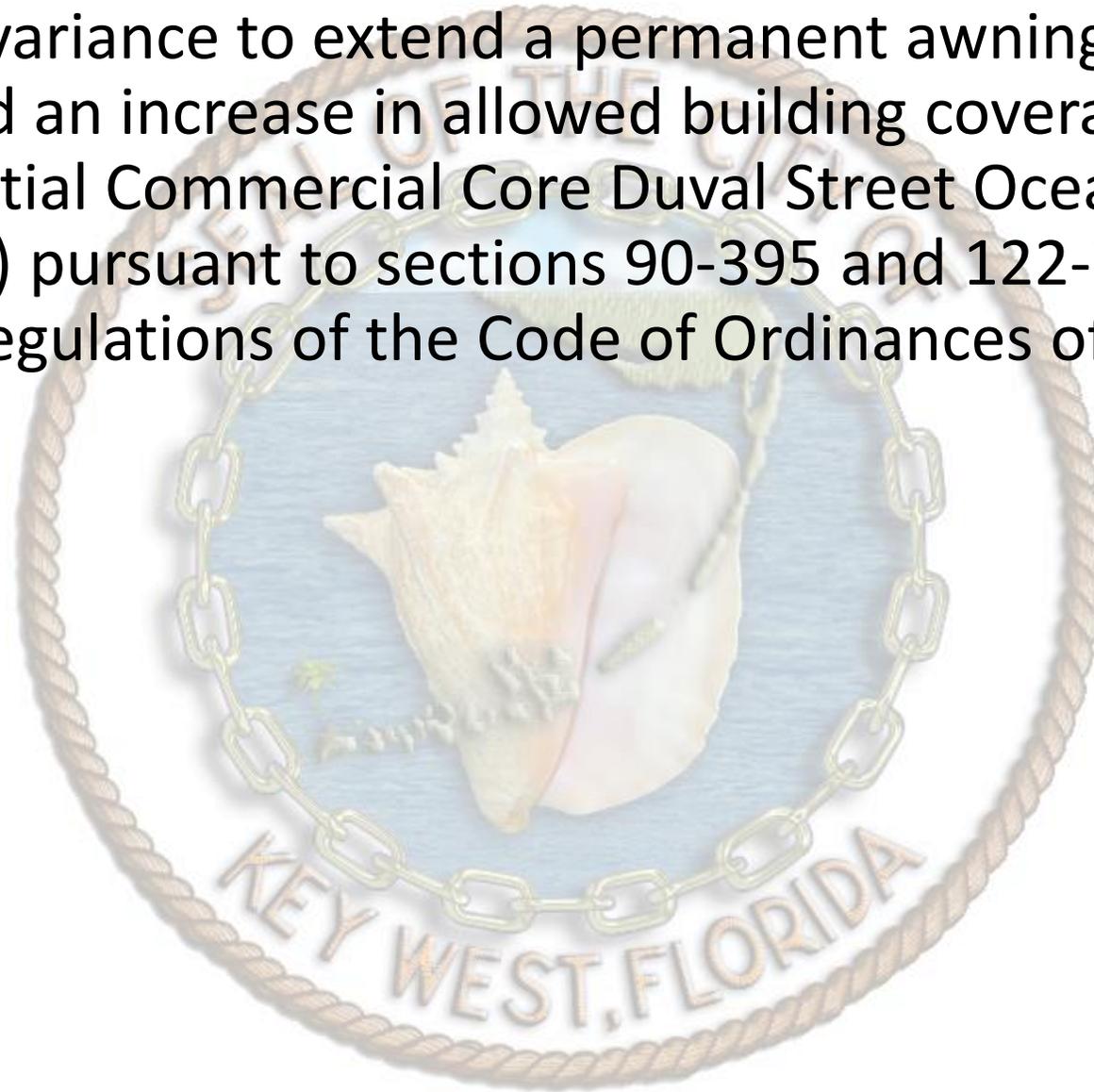


Variance for 825 Duval Street



A request for a variance to extend a permanent awning into required rear setback and an increase in allowed building coverage in the Historic Residential Commercial Core Duval Street Oceanside zoning district (HRCC-3) pursuant to sections 90-395 and 122-750 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request





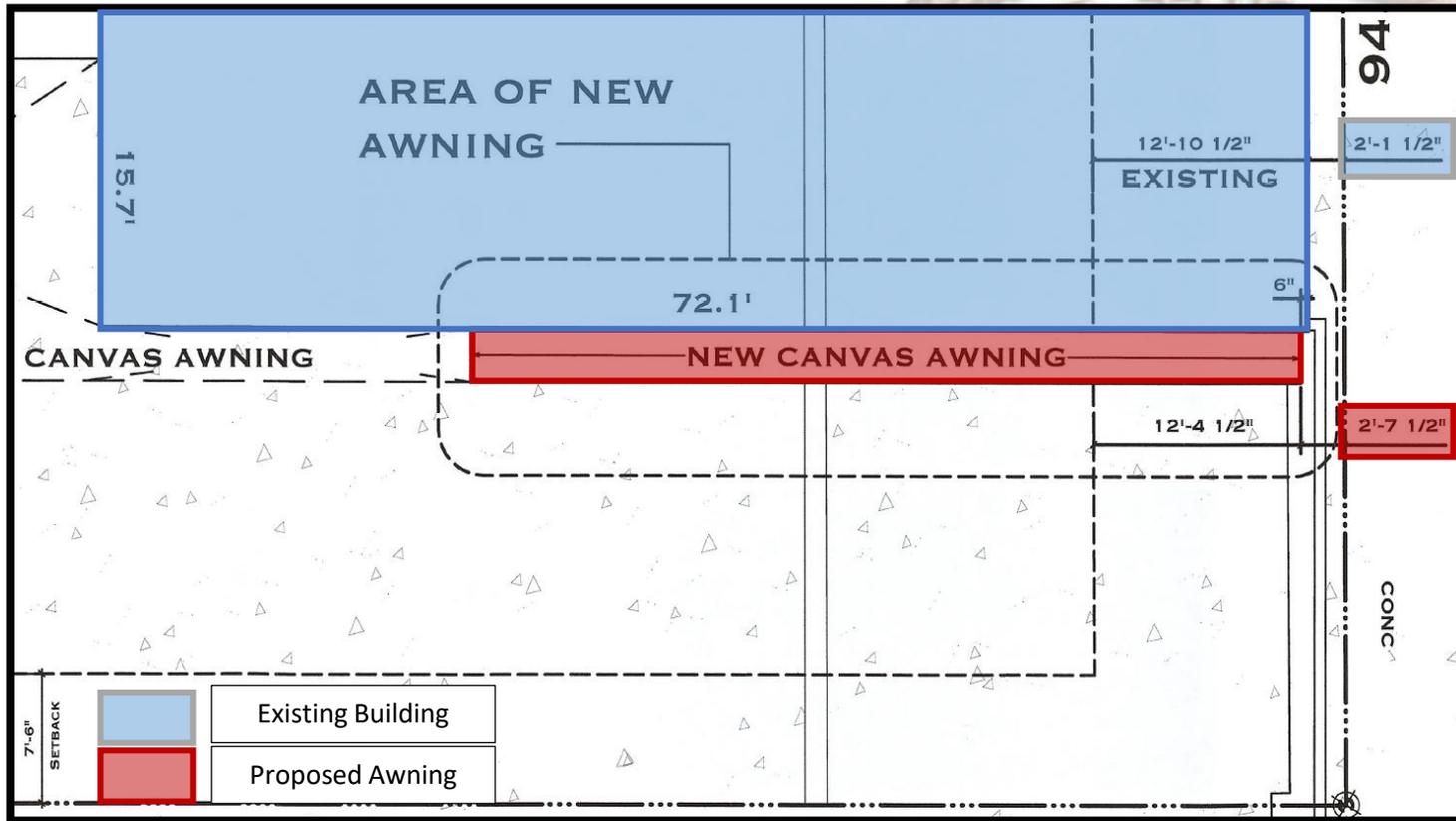
Map



- Historically contributing structure built in 1958
- The parcel is surrounded by HRCC-3 zoned properties to the north, south, east, and west
- The parcel is almost entirely built out, the property has existing non-complying building setbacks, impervious surface, building coverage, and open space
- The applicant does not currently conform to conditions of approval from Resolution 2012-40, Resolution 2012-48, and Resolution 2014-03

Background





Site Plan for 825 Duval Street

The proposed awning will encroach into setbacks and add building coverage

Site Plan



825 Duval Street, 2015



825 Duval Street, 2020



Site Plan



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.

NOT IN COMPLAINT

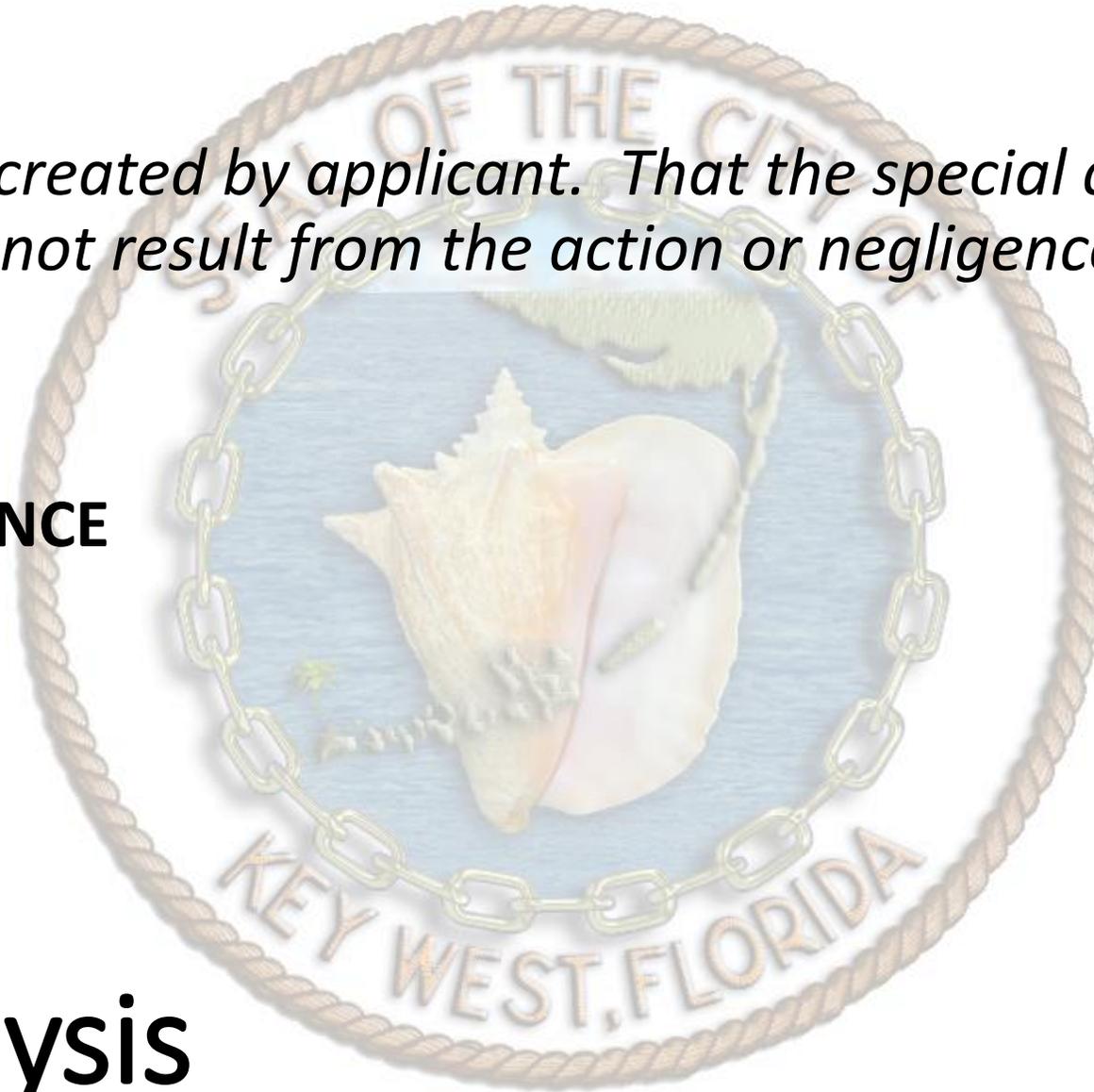
Staff Analysis



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

NOT IN COMPLIANCE

Staff Analysis



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.

NOT IN COMPLAINT

Staff Analysis



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.

NOT IN COMPLIANCE

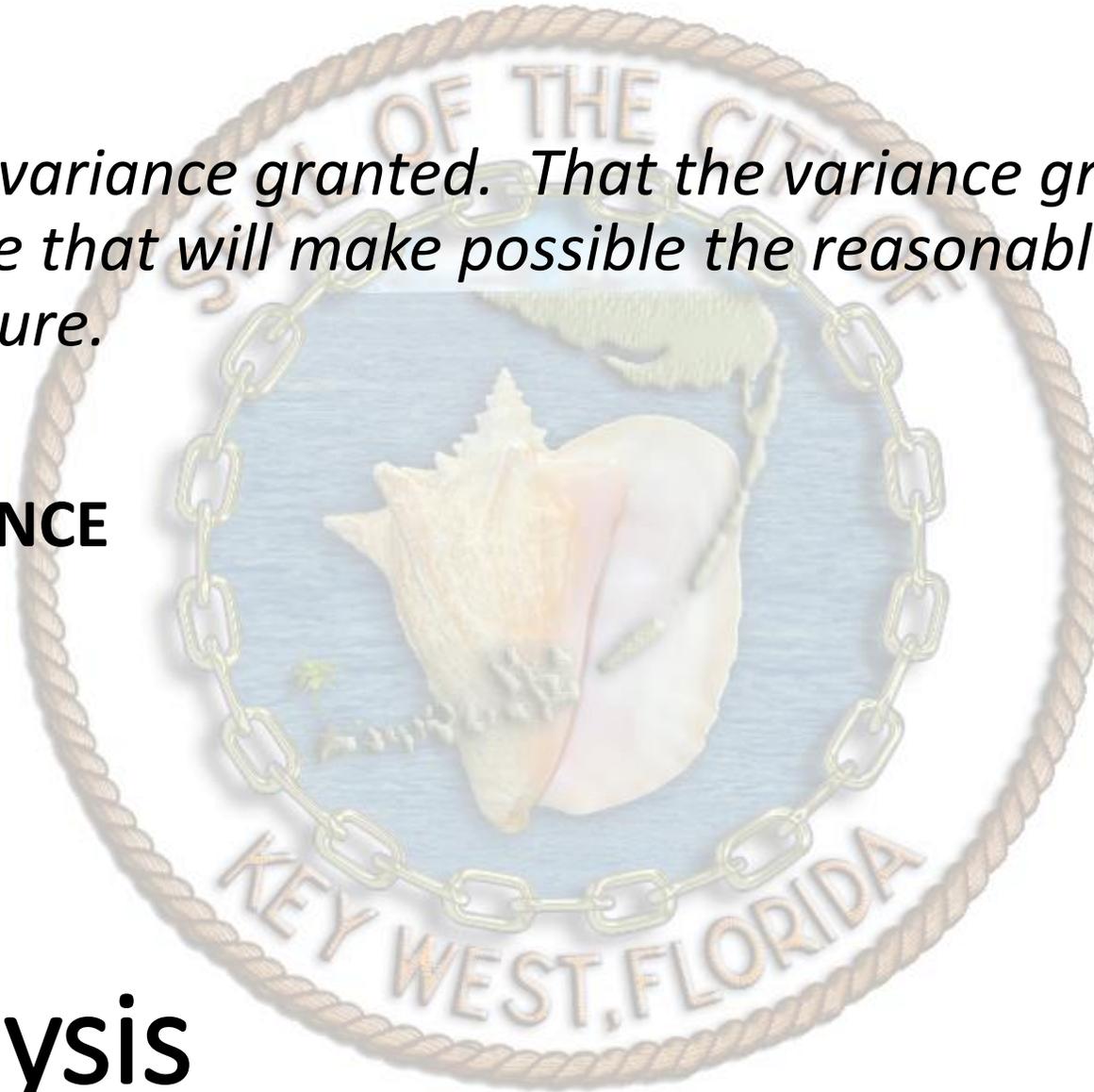
Staff Analysis



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.

NOT IN COMPLIANCE

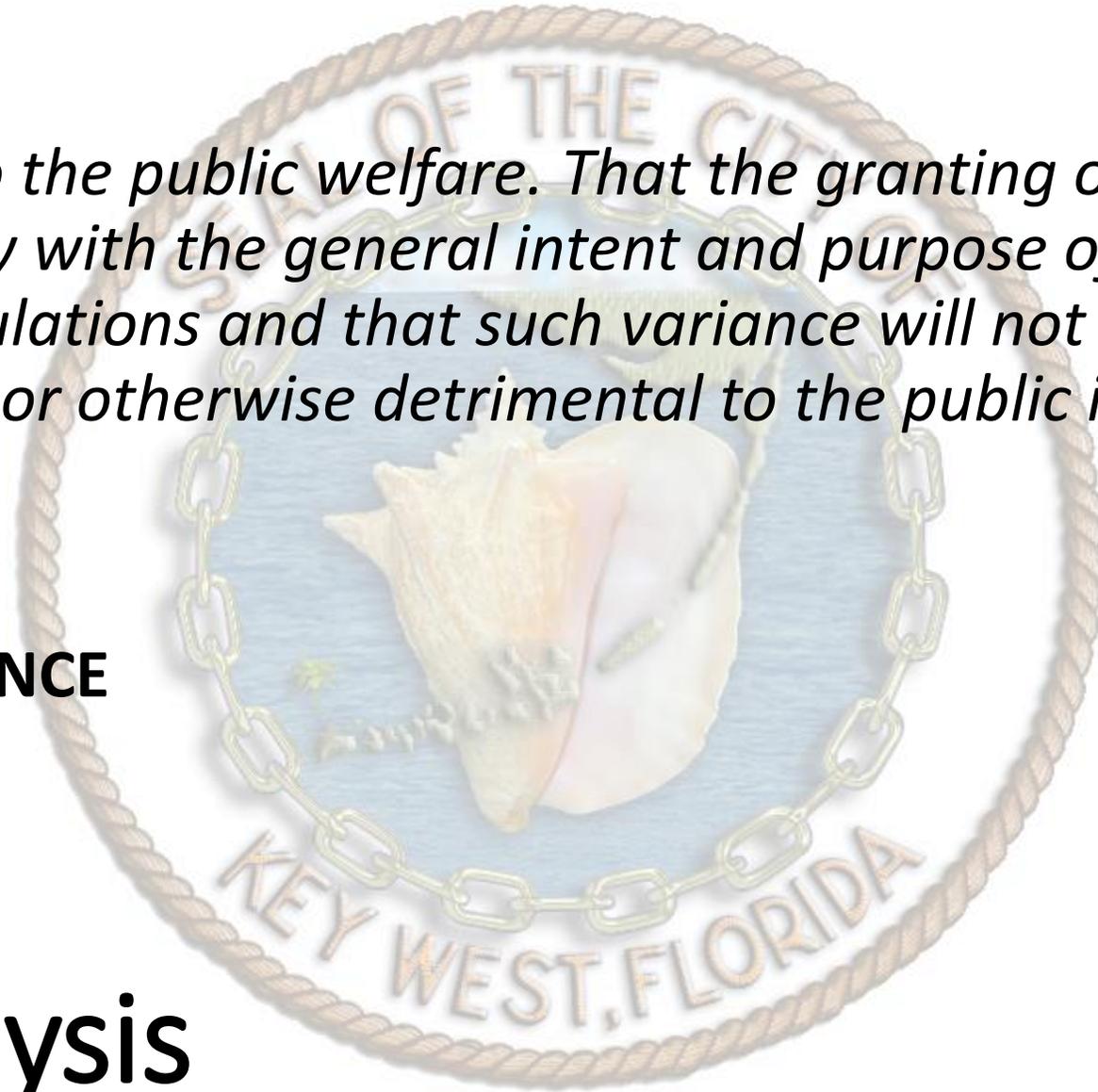
Staff Analysis



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.

NOT IN COMPLAINT

Staff Analysis



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.

IN COMPLAINE

Staff Analysis



The Planning Department, based on criteria in the City Code, recommends the request for a variance be **denied**.

Staff Recommendation



If a vote to approve is passed by the Planning Board, the Planning Department recommends the request for a variance be approved with the following conditions:

1. The applicant must bring the property into compliance with Planning Board Resolution 2012-40, Resolution 2012-48, and Resolution 2014-03, including but not limited to the installation of six shrubs in the “No Parking Area,” four (4) bicycle spaces, and eight (8) off-street vehicle parking spaces per site plan in Resolution 2012-40.
2. The applicant must install shrubbery that reaches no more than 30 inches tall in the concrete curbed area created in Resolution 2012-48.
3. The applicant is to add an additional planter with shrubbery, as identified in Resolution 2012-48 and Resolution 2014-03, in-between Retail Space #2 and Retail Space #3, as well as a planter with shrubbery in-between Retail Space #3 and Retail Space #4.
4. All required landscaping is to be maintained in good health and to be landscaped per the Planting Plan submitted with Resolution 2012-48
5. Fireproofing of the awning material shall be required as approved by the City Fire Marshall and Chief Building Official.

Staff Recommendation

