



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

To: Chairman and Planning Board Members

Through: Patrick Wright, Planning Director

From: Vanessa Sellers, Planner II

Meeting Date: June 20, 2019

Agenda Item: **Variance – 1980 North Roosevelt Boulevard (RE # 00051870-000100) -**
A request for variances to the minimum rear yard setback requirement and the minimum side yard setback requirement in order to construct an addition on an existing structure at property located within the Commercial General (CG) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

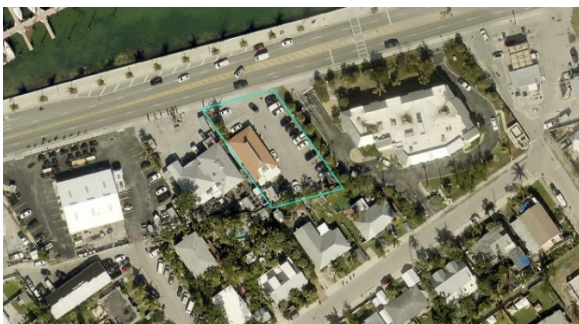
Request: The applicant is seeking variances in order to construct an addition on an existing structure. The existing rear yard setback is twenty-nine feet and six inches, and the proposed rear yard setback is five feet. The minimum rear yard setback requirement is twenty-five feet. The existing side yard setback is four feet and three inches and the proposed side yard setback for the addition is five feet. The minimum side yard setback requirement is fifteen feet.

Applicant: Rick Milelli of Meridian Engineering, LLC

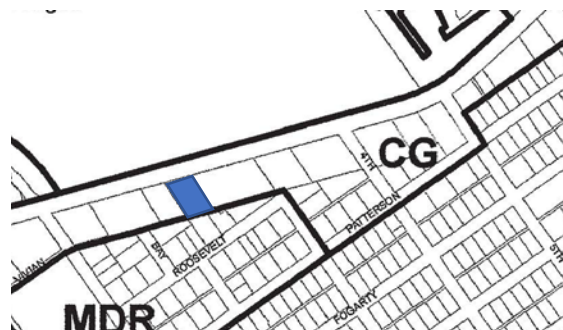
Property Owner: 1980 N Roosevelt Blvd LLC

Location: 1980 North Roosevelt Boulevard, Key West

Zoning: Commercial General (CG)



Aerial image of the subject property



Zoning map of the subject property

Background:

The property at 1980 North Roosevelt Boulevard is located between First Street and Third Street. The existing nonconforming structure is located within the side yard setback and the nonconforming parcel contains a trailer and a shed within the rear yard setback. The property is not located within the Key West Historic District and it does not contain a contributing structure.

The applicant is proposing construction of an addition to the existing structure. The new floor area will be used for offices, patient rooms, and medical testing equipment. The applicant is also proposing to remove an existing trailer and shed from within the rear yard setback and improve the impervious surface and open space ratios. However, the plans submitted will require variances to the minimum side yard setback requirement and the minimum rear yard setback requirement.

The following table summarizes the requested variances:

Relevant CG Zoning District Dimensional Requirements: Code Section 122 - 420				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Maximum height	40'	<40'	<40'	No
Minimum lot size	15,000 SF	16,411 SF	No change	No
Maximum density	16 dwelling units per acre	N/A	N/A	No
Maximum floor area ratio	0.8	0.14 (2,383 SF)	0.22 (3,698 SF)	No
Maximum building coverage	40% (6,564.4)	18.3% (3,007 SF)	26.2% (4,315 SF)	No
Maximum impervious surface	60% (9,845.6)	90% (14,856 SF)	89.3% (14,666 SF)	No (improves upon)
Minimum open space (non-residential)	20% (3,282.2)	9.47% (1,555 SF)	10.6% (1,745 SF)	No (improves upon)
Minimum front setback	Minimum of 25' or as an alternative 10% of lot depth for buildings up to 25' in height or 20% of lot depth for buildings over 25' in height, provided, however, the maximum setback shall be 50'	46'-8"	46'-8"	No
Minimum side setback	15' or 10% of lot width up to a maximum of 20', whichever is greater	4'-3" 58'-8"	5'-0" 38'-8"	YES
Minimum rear setback	Minimum of 25' or as an alternative 10% of lot depth for buildings up to 25' in height or 20% of lot depth for buildings over 25' in height, provided, however, the maximum setback shall be 50'	29'-6"	5'	YES

Process:

Planning Board Meeting: June 20, 2019
Local Appeal Period: 10 days
DEO Review Period: up to 45 days

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, structure, and buildings do not have any special conditions or circumstances involved that any other property located within the CG zoning district possess. The primary structure is noncomplying to the minimum side yard setback and the parcel is noncomplying to maximum allowable impervious surface and the minimum open space requirement. However, other lots in the area are similarly nonconforming.

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 primary structure is within the side setback and is nonconforming. The applicant is proposing to increase the side setback nonconformity by adding an addition to the structure. The proposed structure will also be within the rear setback, which will add a new nonconformity to the property. Therefore, the conditions are generated from specific actions initiated by the applicant.

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.*

Section 122-32 (g) of the Land Development Regulations discourages the creation of new nonconformities. The construction of an addition onto the primary structure within the required rear and side yard setback would confer special privileges upon the applicant.

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.***

The proposed addition will add a new waiting room, three new patient rooms, an ultrasound room, a nurse's station, and two offices in order to provide vital medical services to the community. Therefore, hardship conditions exist. Denial of the requested variance would deprive the applicant of rights commonly enjoyed by other properties in the CG zoning district.

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 variances requested are not the minimum required that will make possible the reasonable use of the land, building, or structure. However, they are 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 purpose of the request is to expand medical services on the property. 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 variances 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 variances 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.

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 the request, staff would like to require the following conditions:

General Conditions:

1. The proposed development shall be consistent with the plans dated June 13, 2019 by Richard J. Milelli, P.E. No approval granted for any other work or improvements shown on the plans other than the proposed addition to the existing structure and the proposed trash and recycling enclosure.
2. An existing nonconforming shed and nonconforming trailer within the required rear yard shall be removed.
3. Pursuant to section 108-572, doctors’ offices and clinics require five (5) off-street parking spaces per each doctor. The proposed eleven (11) spaces will allow the property to accommodate up to two (2) doctors. If the use of the property will require more than two (2) doctors, a variance to parking requirements will be required.