

RESOLUTION NO. _____

VARIANCE: 3424 NORTHSIDE DRIVE

A RESOLUTION OF THE KEY WEST BOARD OF ADJUSTMENT TO ALLOW A VARIANCE TO BUILDING HEIGHT REGULATIONS FOR A NON-HABITABLE CHURCH SPIRE APPROXIMATELY 49.62 FEET IN HEIGHT ON PROPERTY LOCATED AT 3424 NORTHSIDE DRIVE, IN THE SF, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Board of Adjustment finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district; and

WHEREAS, the Board of Adjustment finds that granting the variance requested would not confer upon the applicant special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Board of Adjustment finds 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 or undue hardship on the applicant; and

WHEREAS, the Board of Adjustment finds that the variance requested is the minimum variance that would make possible the

reasonable use of the land, building or structure; and

WHEREAS, the Board of Adjustment finds that the grant of the variance would be in harmony with the general intent and purpose of the land development regulations and that such variance would not be injurious to the area involved and otherwise detrimental to the public interest or welfare; and

WHEREAS, the Board of Adjustment finds that the applicant cannot make reasonable use of the land, building or structure without the grant of the instant variance; and

WHEREAS, the Board of Adjustment finds that the applicant has satisfied the conditions of Key West Code of Ordinances section 90-395 and satisfied the requirements established by 90-274.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the City of Key West, Florida:

Section 1. That a variance to **BUILDING HEIGHT** regulations in the SF, **SINGLE FAMILY RESIDENTIAL**, under the Code of Ordinances of the City of Key West, Florida, is hereby approved as follows: **A VARIANCE OF 24.62 FEET TO SECTION 122-238(3), FROM THE 25 FEET MAXIMUM BUILDING HEIGHT ALLOWED TO THE 49.62 FEET PROPOSED. THE PURPOSE OF THE REQUEST IS TO ALLOW THE CONSTRUCTION OF A CHURCH STEEPLE (NON-HABITABLE SPACE) ON A NEW BUILDING THAT WILL OTHERWISE CONFORM TO HEIGHT REGULATIONS FOR PROPERTY LOCATED AT 3424 NORTHSIDE DRIVE (RE# 00065830-000000).**

Section 2. This variance does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 3. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2010.

Authenticated by the presiding officer and Clerk of the Board on _____ day of _____, 2010.

Filed with the Clerk on _____, 2010.

CRAIG CATES, CHAIRMAN
BOARD OF ADJUSTMENT

ATTEST:

CHERYL SMITH, CITY CLERK

PUBLIC NOTICE

The Key West Board of Adjustment will hold a Public Hearing at Old City Hall, 510 Greene Street, Key West, Florida on August 3, 2010, at 6:00 P.M., or as soon thereafter as the matter shall arise on the agenda.

The purpose of the Hearing is to consider a resolution for:

A RESOLUTION OF THE BOARD OF ADJUSTMENT TO ALLOW A VARIANCE TO HEIGHT REQUIREMENTS FOR THE NON-HABITABLE CHURCH SPIRE FOR PROPERTY LOCATED AT 3424 NORTHSIDE DRIVE IN THE SINGLE FAMILY ZONING DISTRICT PER SECTION 122-238(3) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA AND PART I, OF ARTICLE I, SECTION 1.05 OF THE CITY CHARTER OF THE CITY OF KEY WEST, FLORIDA (RE#00065830-000000).

The file may be reviewed during regular office hours from 8:00 A.M. to 5:00 P.M., Monday through Friday, at the City Clerk's Office located at 525 Angela Street-1st Floor of City Hall.