



THE CITY OF KEY WEST

PLANNING BOARD

Staff Report

To: Chairman and Planning Board Members

Through: Taylor Brown, Planning Director

From: Ben Gagnon, Planner II

Meeting Date: March 12, 2026

Application: **Variance - 1402 Virginia Street (RE# 00034220-000000)** - Applicant requests a variance to the minimum required side setback to enclose a porch at an existing residential property located in the Historic Medium Density Zoning District (HMDR) pursuant to sections 90-395 and 122-600 of the Code of Ordinances of the City of Key West, Florida.

Request: The applicant requests a variance to enclose an existing porch into interior habitable space within the side setback.

Applicant: Carlos Rojas

Property Owner: Christopher Wild

Zoning: Historic Medium Density Residential (HMDR)



Background & Request

The subject property is a 3,265 square-foot parcel located at 1402 Virginia Street. The existing porch is located within an existing nonconforming side setback of approximately two feet where five feet is required. The applicant proposes to enclose this porch to create interior habitable space.

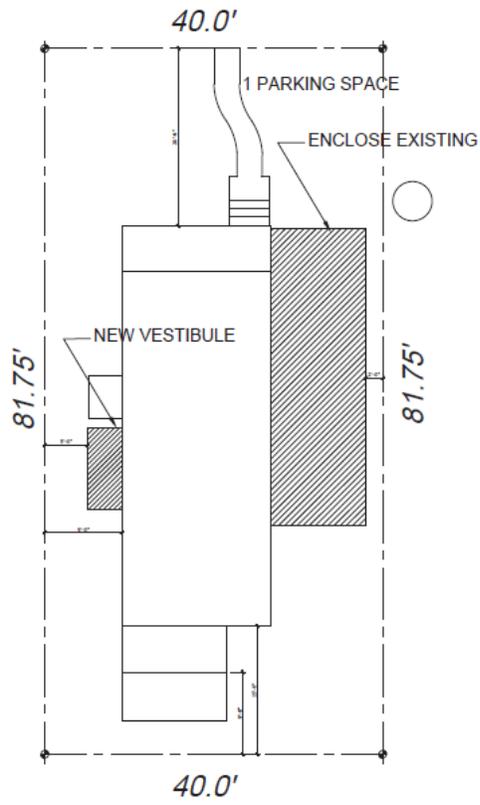
The home is historically contributing and was built in 1928, prior to current zoning laws which is most likely the reason for the nonconforming setbacks, and other site qualities.

SITE DATA

Zoned	Permitted	Existing	Proposed	Variance?
Lot Size	4,000 sq. ft. MIN	3,265 sq. ft.	No Change	
Building Coverage	40% MAX	1,241 (37%)	1,284 (39%)	No
Impervious Surface	60% MAX	2,321.7 (73.4%)	2,301 (72.7%)	Improvement
Open Space	35% MIN	1,760.5 (53.9%)	1,722 (52.7%)	No
SETBACKS				
Front Setback	10'	20'	No Change	No
West Side Setback	5'	9'	5'	No
East Side Setback	5'	<u>2'</u>	No Change	YES (enclosing porch)
Rear Setback	15'	9'8"	9'8"	No

Proposed Site Plan

VIRGINIA STREET



 **NEW SITE PLAN**
1/8" = 1'-0"

Existing / Proposed Elevation



NEW FRONT ELEVATION

1/4" = 1'-0" REAR ELEVATION SIMILAR



EXISTING FRONT ELEVATION

1/4" = 1'-0"

Process:

Planning Board Meeting:
Local Appeal Period:
Planning renders to DOC for review:

March 12th, 2026
10 Days
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.*

While the lot is smaller than the minimum lot size required under current regulations, this condition is typical of historic residential development patterns in the HMDR zoning district and does not represent a unique physical circumstance specific to this parcel.

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.*

While not a strict variance criterion it is important to note for the report that as of March 5th, staff have received no letters of objection and no letters of support for this item.

Recommendation:

The Comprehensive Plan encourages development patterns that maintain appropriate open space and separation between residential structures. Expanding interior habitable space within an already nonconforming setback would further intensify the development of the site and is not consistent with those objectives

The variance request to the minimum required side yard setback for the enclosure of an outdoor porch to interior habitable space at the property located at 1402 Virginia 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 February 17, 2026, by Carlos Rojas