



**THE CITY OF KEY WEST
PLANNING BOARD**

Staff Report

To: Chairman and Planning Board Members

Through: Taylor Brown, Planning Director

From: Sheetal Almas, Planner I

Meeting Date: June 18th, 2026

Application: **Variance – 1121 Duval Street (RE# 00027840-000000)**– A request for a variance from the off-street parking requirements to allow the conversion of approximately 822 square feet of existing retail space into a restaurant use at a property located in the Historic Residential Commercial Core-3 (HRCC-3) zoning district, pursuant to Sections 90-395, 108-572, and 122-746 through 122-747 of the Code of Ordinances of the City of Key West, Florida.

Request: The applicant seeks relief from the off-street parking requirements to allow the conversion of approximately 822 square feet of existing retail space into a restaurant use. The variance request is associated with the off-street parking required for the proposed restaurant use and existing uses on the property, resulting in a total parking requirement of 15 spaces.

Applicant: Richard J. McChesney, Spottswood & Sterling, PLLC

Property Owner: 1121 Duval Street

Zoning: Historic Residential Commercial Core -3 District (HRCC-3)



Background & Request

The subject property is located at 1121 Duval Street and is identified as Parcel RE# 00027840-000000. The property is located on a 4,162-square-foot lot within the Historic Residential Commercial Core-3 (HRCC-3) zoning district and is developed with an existing two-story commercial building.

The applicant proposes to convert approximately 822 square feet of existing retail space into a restaurant use. Restaurant use is a permitted use within the HRCC-3 zoning district. The proposed restaurant includes approximately 568 square feet of serving and consumption area with 24 indoor seats and 14 outdoor seats, for a total of 38 seats. Existing office use on the property is to remain unchanged.

Pursuant to Section 108-572 of the Code of Ordinances, the proposed restaurant use and existing office use on the property require a total of 15 off-street parking spaces. The applicant states that no legal or recognized off-street parking spaces exist on the property and therefore seeks relief from the off-street parking requirement

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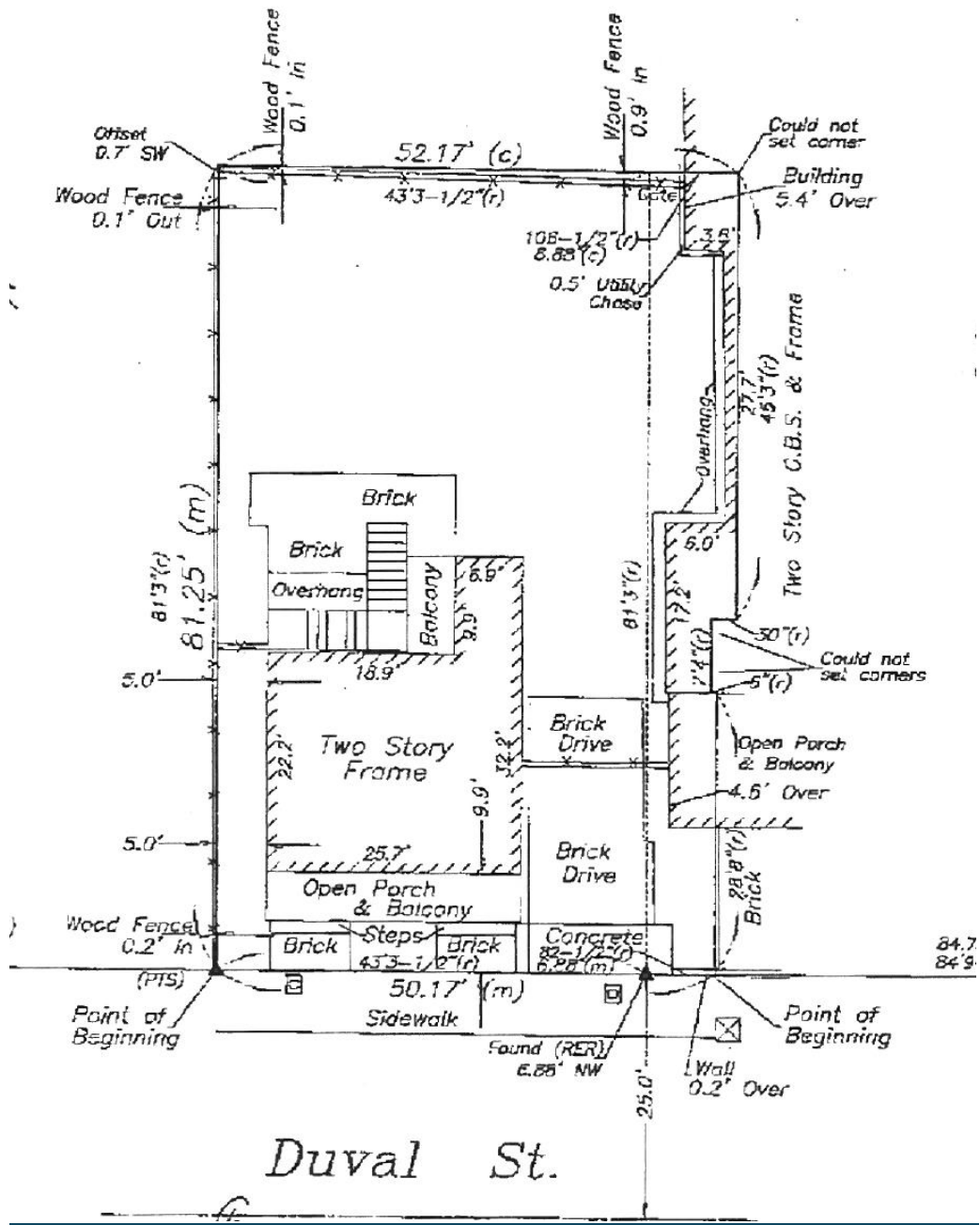
SITE DATA

| | Required | Existing | Proposed | Variance? |
|--|-----------------|-----------------|-----------------------|------------------|
| Lot Size | 4000 sq. ft. | 4,162 sq. ft. | No Change | No |
| Building Coverage | - | - | No Change | No |
| Impervious Surface | - | - | No Change | No |
| Open Space | - | - | No Change | No |
| Height | - | - | No Change | No |
| SETBACKS | | | | |
| Front Setback | - | - | No Change | No |
| Side Setback (east) | - | - | No Change | No |
| Side Setback (west) | - | - | No Change | No |
| Rear Setback | - | - | No Change | No |
| Vehicle Parking | 15 | 0 | 0 | Yes |
| Bicycle Parking | 4 | 0 | 1 Bicycle Rack (4) | No |
| Please note: there are no changes to the building's layout | | | | |

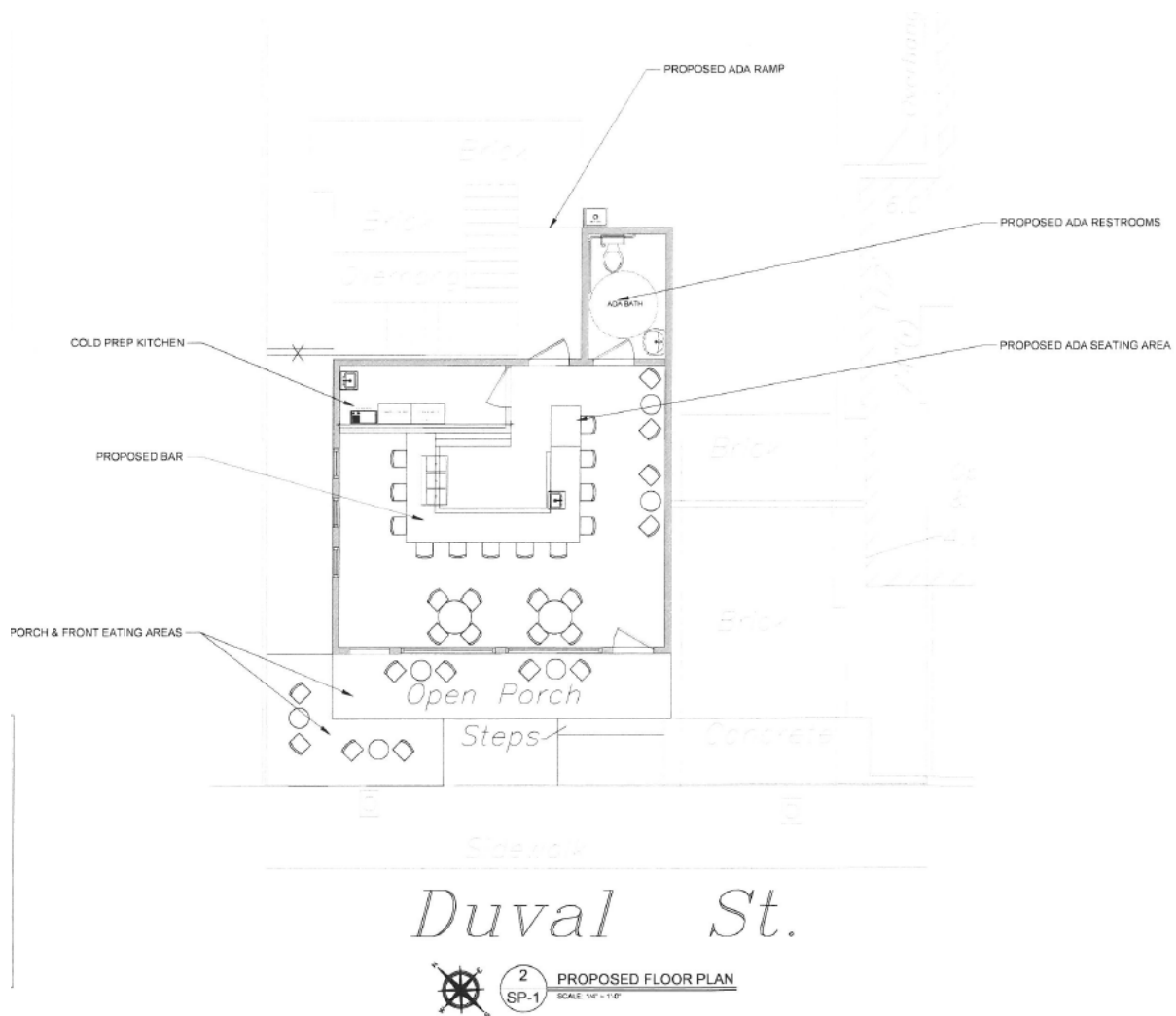
Parking Table

| Use | Code Requirement Vehicle Parking | Code Required Bicycle Parking | Existing Space by Use | Proposed Space by Use | Existing Parking | Proposed Parking | Proposed Bicycle Parking |
|-----------------------|---|--------------------------------------|------------------------------|------------------------------|-------------------------|-------------------------|---------------------------------|
| Restaurant | 1 space / 45 sq. ft. consumption area (12.62) | 3.16 | 0 | 568 | 0 | 0 | 3.15 |
| Retail/ Office | 1 space / 300 sq. ft. N/A | N/A | 642 | 0 | 0 | N/A | N/A |
| Office | 1 space / 300 sq. ft. (2.36) | 0.59 | 708 | 708 (No Change) | 0 | 0 | 0.59 |
| Total | 15 | 4 | N/A | N/A | 0 | 0 | 4 |

Survey



Proposed Floor Plan



Process:

| | |
|-------------------------------------|---------------|
| Planning Board Meeting: | June 18, 2026 |
| 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.*

The property contains an existing commercial building and no legal off-street parking spaces. The existing development of the site limits the ability to provide the required parking on-site.

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.*

Based on the Monroe County Property Appraiser records, the building was constructed in 2001, which predates the current owner's acquisition of the property in 2022. Therefore, the existing lack of on-site parking and the development pattern of the site were not created by the applicant and do not result from any action or negligence of the applicant.

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 not confer a special privilege upon the applicant. The request is associated with an existing commercially developed property that lacks on-site parking and seeks relief to allow a permitted restaurant use.

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 parking requirements would limit the applicant's ability to convert the existing retail space into a permitted restaurant use within the existing developed building footprint. The existing development pattern of the site limits the ability to accommodate the required parking on the property.

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 a minimum variance necessary to make possible the reasonable use of the property. The request seeks relief from all 15 required parking spaces and therefore does not represent the minimum relief necessary.

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 June 1, 2026, staff have received no letters of objection and no letters of support for the item..

Recommendation:

The variance request for the required off-street parking at 1121 Duval Street meets six of the seven required criteria set forth in Section 90-395 of the Code of Ordinances. Therefore, the Planning Department recommends **DENIAL** of the variance request.

If the Planning Board chooses to approve the variance, the Planning Department recommends the following conditions:

General Condition:

1. The applicant shall provide and maintain a bicycle rack capable of accommodating a minimum of four (4) bicycle parking spaces on the property.