

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



To: Chairman and Planning Board Members

Through: Patrick Wright, Planning Director

From: Ginny Haller, Planner II

Meeting Date: July 20, 2017

Agenda Item: **Variance – 2717 Staples Avenue, also known as 2719 Staples Avenue (RE# 00067790-000000)** – A request for a variance to building coverage requirements in order to construct a carport on property located within the Single Family (SF) Zoning District pursuant to Section 90-395 and 122-238(4)(a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

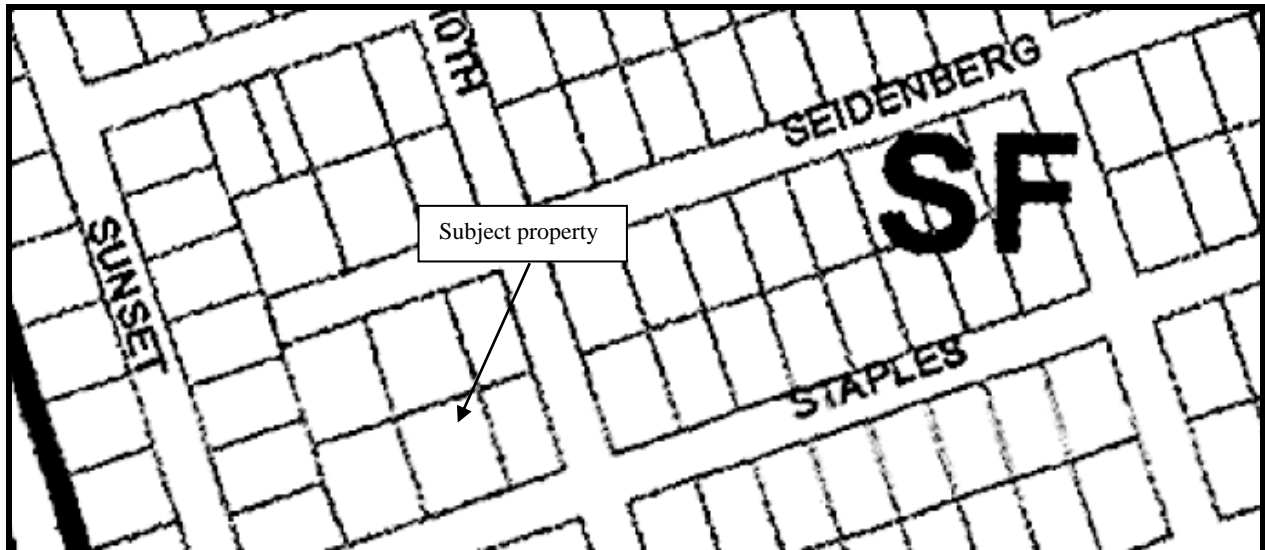
Request: Variance to maximum building coverage to construct a free-standing carport in the front yard of a single-family residential dwelling unit on the property.

Applicant: Craig and Cheryl Cates

Owner: Craig and Cheryl Cates

Location: 2717 Staples Avenue, also known as 2719 Staples (RE # 00067790-000000)

Zoning: Single Family (SF)



Background and Request:

The subject property is located in the 2700 block of Staples Avenue bound by 10th Street and Sunset Drive within the SF Zoning District. The applicant proposes to construct a new free-standing carport. The structure is proposed to be for two cars with the dimensions of 22’ X 25’6”. The applicant constructed a new single family wood frame residential dwelling unit on the property.

The applicant is requesting a variance to building coverage as part of the proposed construction of the carport. The following table summarizes the requested variances:

| Relevant Land Development Regulations: Code Section 122-238 | | | | |
|--------------------------------------------------------------------|--------------------------|------------------------|------------------------|------------------------------------|
| Dimensional Requirement | Required/ Allowed | Existing | Proposed | Change / Variance Required? |
| Building Coverage | 35% | 35% (2,098 sq. ft.) | 44% (2,661 sq. ft.) | Variance Requested |

Process:

Planning Board Meeting: July 20, 2017
Local Appeal Period: 30 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:

- 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 building on subject property do not have special conditions or circumstances involved that any other property located within the SF Zoning District possesses.

NOT IN COMPLIANCE.

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

The nonconformity of the building coverage will be created by the applicant due to the nature of the design.

NOT IN COMPLIANCE.

- 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.***

The conditions of the variance to building coverage requirements were created by the applicant. Therefore, granting the requested variances would confer special privileges upon the applicant that are denied by the LDRs to other lands, buildings and structures in the SF 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.***

Although hardship conditions do not exist, the applicant states that the approval of the variance would provide protections of personal property and safer ingress and egress for vehicles along Staples Avenue.

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 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 requested variance will not be injurious to the public. The request will be beneficial to the public interest and welfare by providing a safer conditions for vehicles and bicycles in the area.

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 variance will trigger any public facility 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 public comment regarding the requested variance.

The planning board shall not grant a variance to permit a use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district.

No use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district would be permitted.

No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

No such grounds were considered.

No variance shall be granted that increases or has the effect of increasing density or intensity of a use beyond that permitted by the comprehensive plan or these LDRs.

No density or intensity of a use would be increased beyond that permitted by the Comprehensive Plan or the LDRs.

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**.