

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



**To:** Chairman and Planning Board Members

**Through:** Thaddeus Cohen, Planning Director

**From:** Ginny Haller, Planner II

**Meeting Date:** June 16, 2016

**Agenda Item:** A request for relief from Section 122-1469(4) of the Code of Ordinances has been requested by Lezlie L. Roark and James A. Roark to consider unique circumstances to the household income requirements of Workforce Housing Applicant Eligibility, pursuant to Section 122-1469(15) of the Code of Ordinances of the City of Key West, Florida.

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**Request:** To request Planning Board consideration of unique circumstances regarding applicant eligibility requirements for the household income earning requirement that at the time of sale or lease the total income of eligible households or persons shall not exceed 100 percent of the median household income for the county (adjusted for family size).

**Applicant:** Smith, Oropeza, Hawks Attorneys at Law  
for Lezlie L. Roark and James A. Roark

**Background:**

This is a request for the alleviation of the requirement that the total income of Lezlie L. Roark and James A. Roark exceeds the Median Income limit of \$93,200 in the Workforce Housing Eligibility Applicant Requirements identified in Section 122-1469(4) of the Land Development Regulations. Section 122-1469(15) allows the Planning Board to “review a household’s income and unique circumstances to determine eligibility and conformance with the intent of this ordinance to assure that people in need are not excluded and people without need are not included.”

**Analysis-Evaluation for Compliance with the Land Development Regulations:**

Section 122-1469 identifies fourteen eligibility requirements for applicants seeking to qualify for affordable workforce housing units. Item 4 states that “the total income of eligible households or persons shall not exceed 100 percent of the median household income for the county (adjusted for size).” According to the applicant, the Housing Authority failed to differentiate between a **W2 earning applicant** and a **self-employed** earning applicant by using **gross proceeds** as opposed to **net income** for income qualification. The applicant states in the attached letter dated April 19, 2016 “the referenced section is devoid of any requirement to review sole proprietors based on gross income.” According to the applicant, the position of the Housing Authority (Exhibit A) has conferred on a W2 employee a privilege based on the way income is derived and calculated.

