

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



**To:** Chairman and Planning Board Members

**Through:** Thaddeus L. Cohen, Planning Director

**From:** Melissa Paul-Leto, Planner Analyst

**Meeting Date:** October 15, 2015

**Agenda Item:** **Variance – 1209 Knowles Lane (RE # 00033750-000000; AK # 1034657)** – A request for a variance to the minimum rear setback in order to renovate and remodel the contributing structure. The property is located within the Historic Medium Density Residential (HMDR) Zoning District pursuant to Sections 90-395, 122-600(6) c., of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

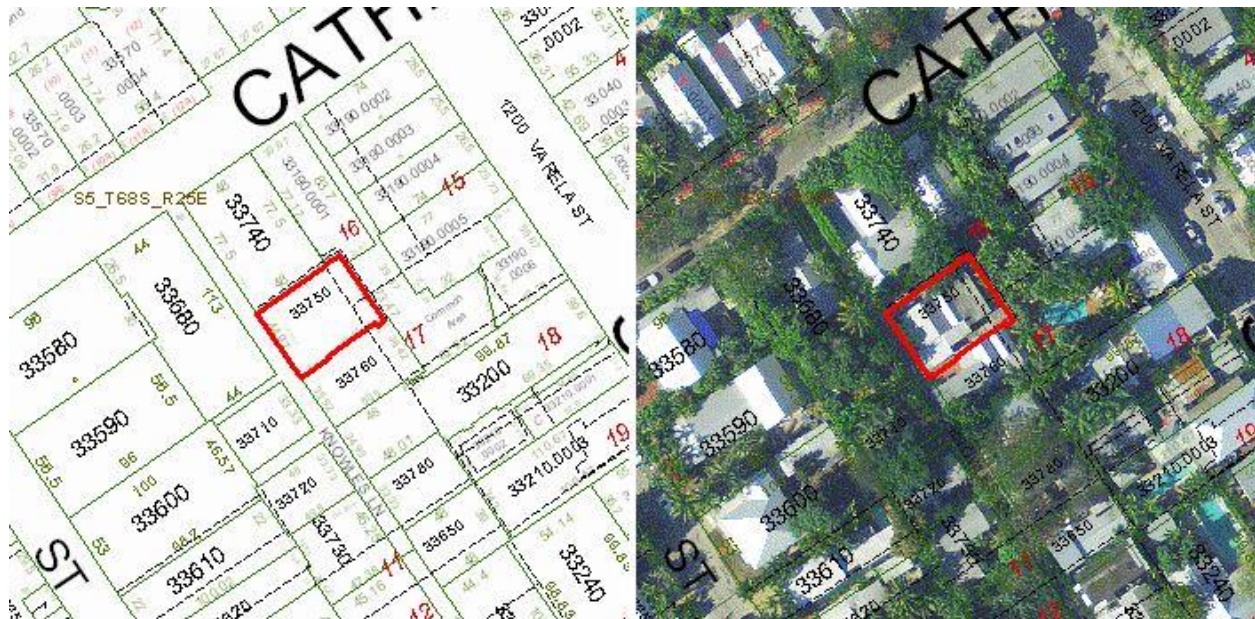
**Request:** The applicant is seeking a rear setback variance in order to renovate and remodel the contributing structure.

**Applicant:** Jennifer Reed / William Rowan Architecture

**Property Owner:** Kevin McGinty

**Location:** 1209 Knowles Lane (RE # 00033750-000000; AK # 1034657)

**Zoning:** Historic Medium Density Residential (HMDR) zoning district



**Background/Request:**

The existing non-conforming residential structure is located within the rear yard setbacks. The property is located within the Key West Historic District and is considered a contributing structure.

The applicant is proposing to renovate and restore the one story residential 1933 circa structure. This has triggered a variance to the existing rear setback requirement.

<b>Relevant HMDR Zoning District Dimensional Requirements: Code Section 122-600</b>				
<b>Dimensional Requirement</b>	<b>Required/ Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change / Variance Required?</b>
Minimum Height	30 feet	N/A	N/A	In compliance
Minimum lot size	4,000 SF	2,780 SF	No change	No change Nonconforming In compliance
Maximum density	16 dwelling units per acre	1 du / .06ac= 16.6	1 du / .06ac= 16.6	No change Nonconforming In compliance
Maximum floor area ratio	1.00	N/A	N/A	In compliance
Maximum building coverage	40% (1,112 sf)	55% (1,519 sf)	55% (1,519 sf)	No change Nonconforming In compliance
Maximum impervious surface	60% (1,668 sf)	69% (1,914 sf)	61% (1,682 sf)	Improving impervious surface In compliance
Minimum open space	35%	N/A	N/A	No change In compliance
Minimum front setback	10 feet	7 feet – 9 inches	7 feet – 9 inches	No change Nonconforming In compliance
Minimum NW side setback	5 feet	5 feet – 1 inch	5 feet – 1 inch	No change In compliance
Minimum NE side setback	5 feet	6 feet – 2 inches	6 feet – 2 inches	No change In compliance
Minimum rear setback	15 feet	6 feet – 8 inches	6 feet – 8 inches	<b>Variance Required -8 feet – 4 inches</b>

**Process:**

<b>Planning Board Meeting:</b>	August 20, 2015
<b>HARC:</b>	TBD
<b>Local Appeal Period:</b>	30 days
<b>DEO Review Period:</b>	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:

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 existing conditions of the primary structure pre-date the dimensional requirements of the current LDRs, and therefore is legally non-conforming to some dimensional requirements in the HMDR Zoning District. The applicant will not be altering the foot print of the contributing structure. Therefore, the existing non-conforming foundation constitutes special conditions or circumstances that exist peculiar to the land, structures or buildings involved.

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.*

The existing conditions are not created by the applicant, nor do they result from the 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.*

There are no special privileges conferred upon the applicant.

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.***

Denial of the requested variance would deprive the applicant of rights commonly enjoyed by other properties in the HHDR Zoning District. The replacement of the debilitated roof structure relies on the approval of this variance.

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 applicant would have to physically change the contributing foot print for the use of the land and building without the variance. However, it is the minimum necessary to accommodate the request.

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.***

It does not appear that granting of the variance will be injurious to the area involved or otherwise detrimental to the public interest or welfare.

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 been fully met by the applicant for the variance 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 any public comment for the variance request as of the date of this report.

Pursuant to Code Section 90-392, in granting such application the Planning Board must make specific affirmative findings respecting each of the matters specified in Code Section 90-394.

*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 these 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 **approved**.

With the following conditions:

**General Conditions:**

1. The proposed development shall be consistent with the plans signed and sealed October 3, 2015 by William Rowan, Professional Architect. No approval granted for any other work or improvements shown on the plans other than the remodel and renovation of the contributing structure.
2. The applicant shall obtain a Building Permit for the proposed remodel and renovation.
3. Subject to HARC approval.