



THE CITY OF KEY WEST PLANNING  
BOARD Staff Report

**To:** Chairman and Planning Board Members

**Through:** Katie P. Halloran, Planning Director

**From:** Scarlet Hammons, AICP, The Corradino Group

**Meeting Date:** January 20, 2022

**Agenda Item:** **Variance – 719 Bakers Lane (RE# 00011660-000000)** A request for a variance for exceeding the required front setback and rear setback for a new two-story residence in the Historic High Density Residential (HHDR) zoning district pursuant to Sections and 112-600(6)a. and c. of the City of Key West Land Development Regulations.

**Request:** The applicant is proposing to build a new single-family home. A request for a Variance to exceed the rear and the front setbacks is needed.

**Applicant/  
Property Owners:** Enricos Tire Bodegas, LLC

**Location:** 719 Bakers Lane (RE# 00011660-000000)

**Zoning:** Historic High Density Residential (HHDR)

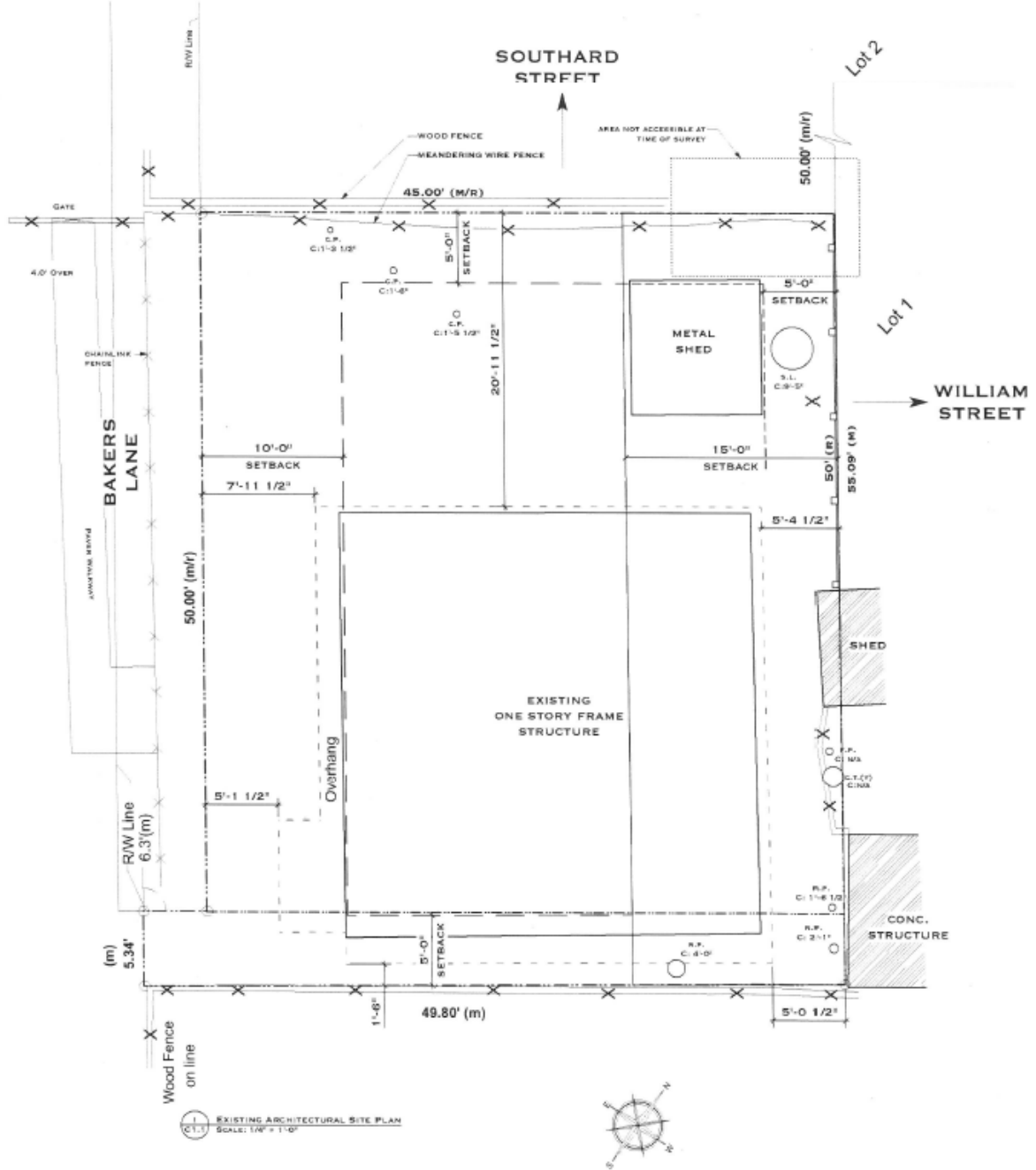


**Background/Request:**

The subject parcel is one lot of record and is located within the Historic High Density Residential (HHDR) zoning district on the 700 block of Bakers Lane. The lot is currently vacant due to recent involuntary demolition of a cited unsafe single-family home. The previous single-family home was not a historically contributing structure. The applicant is proposing to construct a replacement for the previous single-family home that existed on this lot. There are no accessory structures associated with this request.

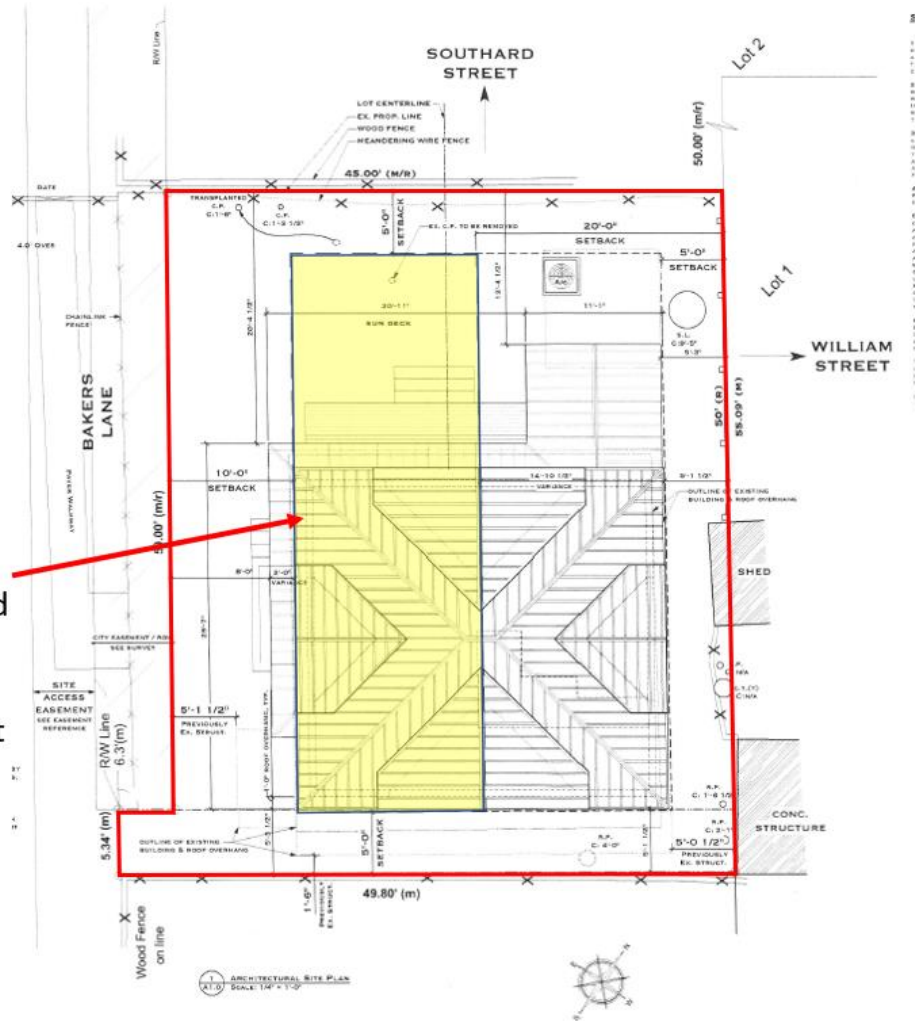
The applicant is proposing to build a two-story single-family residence, consisting of 1,311 square feet on an existing lot which consists of 2,515 square feet. A request for a variance is necessary to allow for the front and rear setback to be less than required by code in order to accommodate a home on this parcel. The new home would remain in the original configuration as the previous home on the existing non-conforming lot. Lots in this zoning district are required to be a minimum of 4,000 square feet. The code permits the owner to build back, and would not require a variance to do so, if the building were the same number of stories and in the same location. The previous home was one-story, and the proposed new home is two-stories, therefore a variance is needed.

The code requires a 20' rear setback, while the applicant is requesting 5'1.5". The code requires a 10' front setback, while the applicant is requesting 8'. It should be noted that the previous residence encroached into the side, rear and front setbacks and this request is an improvement to the previous condition. The proposed site layout conforms with all building lot coverage, impervious surface, height, and open space requirements for this zoning district.



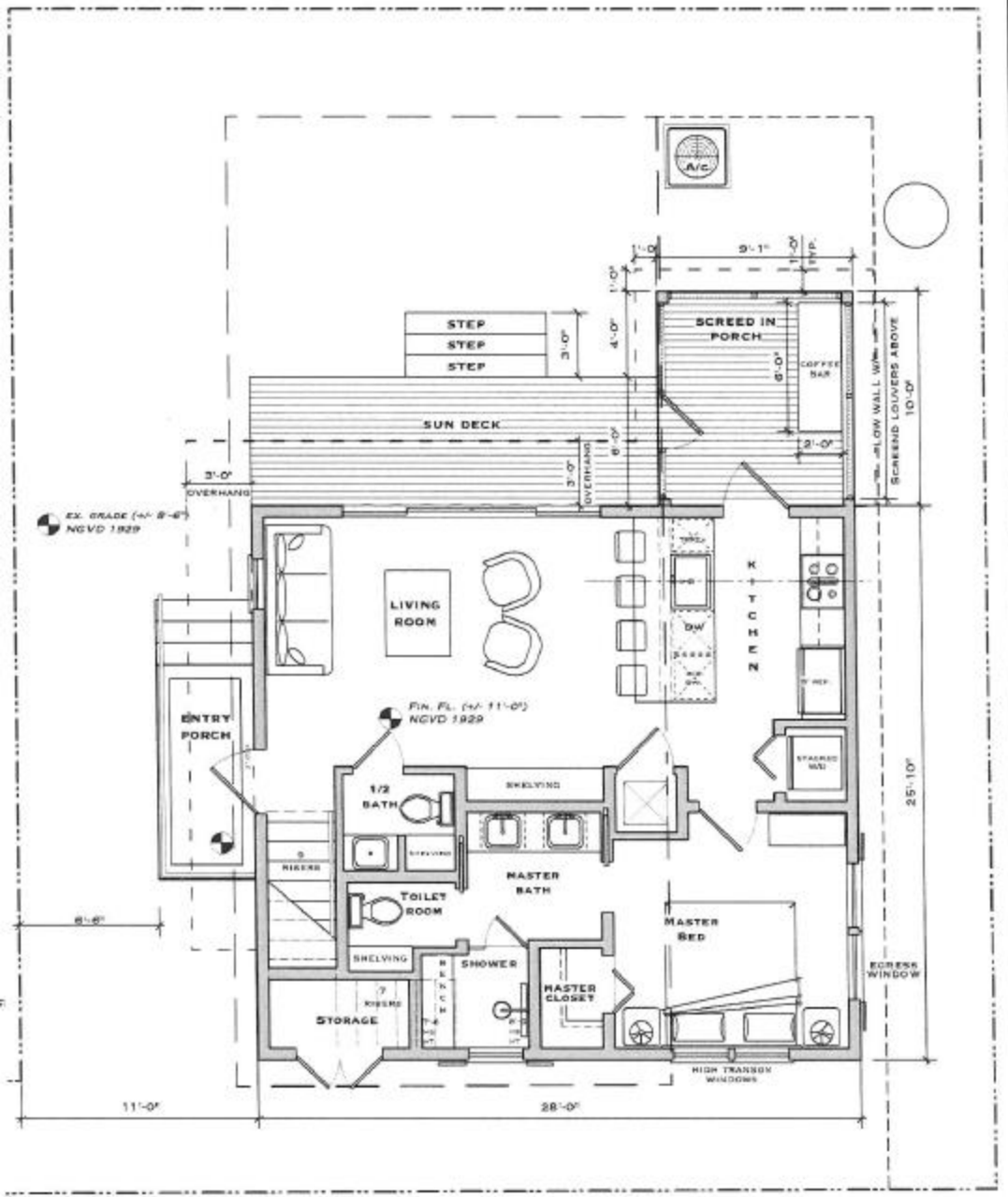
**Site Plan for Previous Home (now demolished), submitted by the Applicant**

Buildable Area  
 Within Required  
 Setbacks  
 15' X 45'  
 675 SF footprint

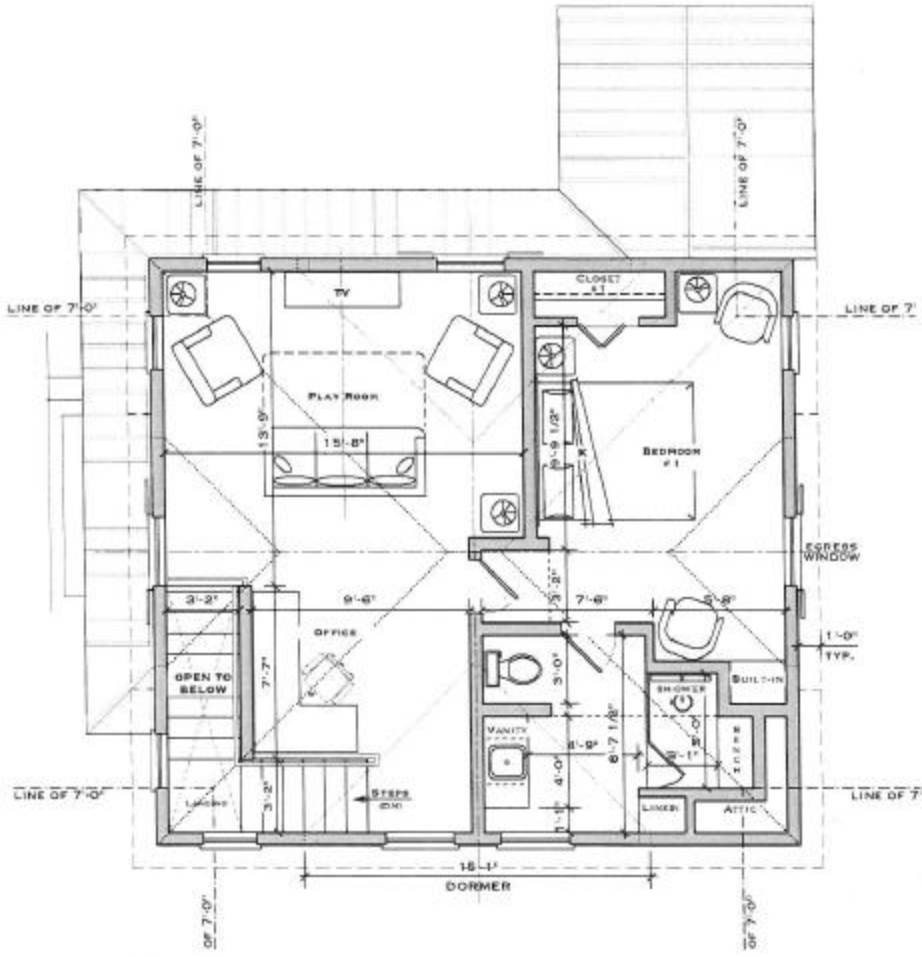


**Proposed Site Plan, submitted by the Applicant**

The graphic above represents the proposed site layout for the two-story single-family residence, which is very similar to the location of the original home. The proposed home (in the background) is square in shape, and oriented more toward the southwest side and rear yards. The front of the home is oriented to Bakers Lane. The yellow rectangle graphically represents the buildable area of the lot, without encroaching into any required setbacks. The result is a home that couldn't be wider than 15', with a length limited to 45', and a total footprint of 675 square feet. The proposed home, while it is two-stories, and 1,311 square feet, will result in less building lot coverage of 666 square feet. The proposed layout is a more open floor plan, while still maintaining a modest two-bedroom, two-bathroom home. The proposed site plan also includes a 91 square foot covered porch and a 158 square foot deck area.



1 1ST FLOOR PLAN  
 A1.1 SCALE: 1/4" = 1'-0"



2 2ND FLOOR PLAN  
 A1.1 SCALE: 1/4" = 1'-0"

The site table below details the current and proposed site data for this property. Two variances are proposed for this development.

<b>Dimensional Requirement (HHDR)</b>	<b>Required/Allowed</b>	<b>Existing (Prior to Demo)</b>	<b>Proposed</b>	<b>Change/Variance Required?</b>
Height	30 feet	13'4"	24'10"	In compliance
Front Setback	10 feet	5'1.5"	8'0"	Variance needed 2 feet
Side Setback (N)	5 feet	20'11.5"	12'4.5"	In compliance
Side Setback (S)	5 feet	1'6"	5'1.5"	In compliance
Rear Setback	20 feet	5'0.5"	5'1.5"	Variance needed 14'10.5"
Building Coverage	50%	46.3%	41.5%	In compliance
Impervious Surface	60%	46.3%	42.3%	In compliance

**Process:**

**Planning Board Meeting:** January 20, 2022

**HRAC:** TBD

**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 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 orientation of the lot related to the street is not typical and has created a unique condition, such that the shorter side of the rectangular lot (45' in width) would more typically be the street frontage which would allow for the longer side (55') to provide



more latitude for the required 20' rear, and 10' front setbacks. The size of the existing subdivided lot is not up to code, which is a special condition particular to this property.

#### **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 proposed design and location of the new home within the required setbacks is created by the applicant, however the constraints of maximizing the livable area within this existing small lot were not. The property is a legal non-forming lot that faces Bakers Lane. The lot configuration cannot be modified to allow for a reasonable home configuration without a variance. In addition, the previous structure was involuntarily destroyed.

#### **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.*

The Land Development Regulations set minimum setbacks to ensure life safety, general welfare, health standards, and aesthetics. The proposed design will encroach into the front and rear setbacks, it is possible that the applicant could construct the home in a different architectural design. However, due to the existing narrow configuration of the lot, maintaining the setbacks would result in a home that is limited to 15' in width, with a length limited to 45'. Given the need for circulation space, a 15' wide structure would notably reduce the functionality of the interior space. Additionally, the proposed location and footprint are maintaining consistency with the previous structure and historical fabric of the surrounding neighboring properties. The applicant submitted a context drawing and photos of neighboring homes to illustrate the scale and mass of the proposed home, and the consistency within this historic area.

#### **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 the other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.*

The hardship of the existing conditions is the unique orientation of the rectangular lot which is 45' wide. The front setback of 10' and the rear setback of 20' would leave 15' of site area remaining for the home, if the setbacks were met.

**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 required that will make possible the reasonable use of the land, however it is the minimum for a reasonable building and/or structure on this site. The site layout meets all other regulations, and improves on the non-conformities that have previously existed.

**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 would be in harmony with the general intent of the land development regulations and would not be injurious to the area involved or detrimental to the public interest or welfare.

**IN COMPLIANCE**

7. *Existing nonconforming uses of other property shall not be considered as 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 the request.

**IN COMPLIANCE**

**The Planning Board shall make factual findings regarding the following:**

***That the standards established by the City Code have been met by the applicant for a variance.***

The standards established by the City Code have been met, with the exception of criteria #2, due to the applicant's proposed location of the home in order to create a livable floorplan. All other criteria for a variance have been met.

***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 the neighbors.***

The Planning Department has not received any public comment for the variance request as of the date of the report.

***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 or 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 increase or has the effect of the 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 existing conditions, the Planning Department recommends to the Planning Board **Approval** of the proposed variance.

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

1. The proposed construction shall be consistent with the plans signed and sealed by T.S. Neal Architect Inc. and dated November 2, 2021.