

**PLANNING BOARD
RESOLUTION NO. 2025-**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD DENYING AN AFTER-THE-FACT VARIANCE REQUEST FROM SECTION 122-238(4)(a) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW EXCEEDING THE MAXIMUM BUILDING COVERAGE OF THIRTY-FIVE PERCENT (35%) TO PERMIT AN INGRESS/EGRESS STRUCTURE AT THE PROPERTY LOCATED AT 2827 HARRIS AVENUE WITHIN THE SINGLE FAMILY (SF) ZONING DISTRICT; PURSUANT TO SECTIONS 90-395 AND 122-238(4)(a) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property has requested an after-the-fact variance from the maximum allowable building coverage of thirty-five percent (35%) within the Single Family (SF) zoning district to allow an ingress/egress constructed off the front porch of the existing single-family residence located at 2827 Harris Avenue; and

WHEREAS, the subject property is located within the Single Family (SF) zoning district and is not located within the Key West Historic District nor designated as a contributing structure; and

WHEREAS, the applicant previously obtained approval for a front yard setback and building coverage variance (Planning Board Resolution No. 2115); and

WHEREAS, the proposed ingress/egress addition increases the total building coverage from 42.1% to 45.5%, thereby exceeding the maximum allowable coverage of 35% as provided in Section 122-238(4)(a) of the Land Development Regulations; and

WHEREAS, pursuant to Section 90-395 of the Land Development Regulations, the Planning Board must find that all seven criteria for granting a variance have been met; and

WHEREAS, the Planning Department staff reviewed the application and found that the request did not meet the standards required for approval of a variance under Section 90-395 of the Land Development Regulations, specifically finding that:

1. Existence of special conditions or circumstances – Not in compliance;

2. Conditions not created by the applicant – Not in compliance;
3. Special privileges not conferred – Not in compliance;
4. Hardship conditions exist – Not in compliance;
5. Only minimum variance granted – Not in compliance;
6. Not injurious to the public welfare – In compliance;
7. Existing nonconforming uses not the basis for approval – In compliance; and

WHEREAS, based on the staff report dated October 20, 2025, the Planning Department recommended denial of the after-the-fact variance request; and

WHEREAS, the Planning Board, having considered the evidence presented by City staff and the applicant at a duly noticed public hearing held on October 20, 2025, has determined that the applicant has not met the requirements of Section 90-395 of the Land Development Regulations and that approval of the variance would confer a special privilege not enjoyed by other properties in the same zoning district.

NOW, THEREFORE, BE IT RESOLVED by the planning board of the city of key west, Florida:

Section 1. The Planning Board of the City of Key West hereby **DENIES** the request for an after-the-fact variance from Section 122-238(4)(a) of the Land Development Regulations to allow for a building coverage of forty-five and one-half percent (45.5%) where thirty-five percent (35%) is the maximum allowed, at property located at 2827 Harris Avenue (RE # 00067390-000000), within the Single Family (SF) zoning district.

Section 2. The Planning Board finds that the applicant has not demonstrated compliance with the variance criteria set forth in Section 90-395 of the Land Development Regulations of the City Code.

Section 3. This Resolution shall take effect immediately upon its adoption.

Read and passed on first reading at a regularly scheduled meeting held this 16th day of October 2025.

Peter Batty, Planning Board Chairman

Date

_____ Chairman
_____ Planning Director

Attest:

James Singelyn, Acting Planning Director

Date

Filed with the Clerk:

Keri O'Brien, City Clerk

Date