

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



To: Chairman and Planning Board Members

Through: James Singelyn, Acting Planning Director

From: James Singelyn, Senior Planner

Meeting Date: November 20, 2025

Agenda Item: **After-The-Fact-Variance – 2827 Harris Avenue (RE # 00067390-000000)** – A request for an after the fact variance to maximum building coverage in order to keep a constructed ingress/egress 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.

Request: The applicant is requesting an after the fact variance to the allowed building coverage maximum of 35% to allow for an ingress/egress, claiming it is related to the flood plain elevation.

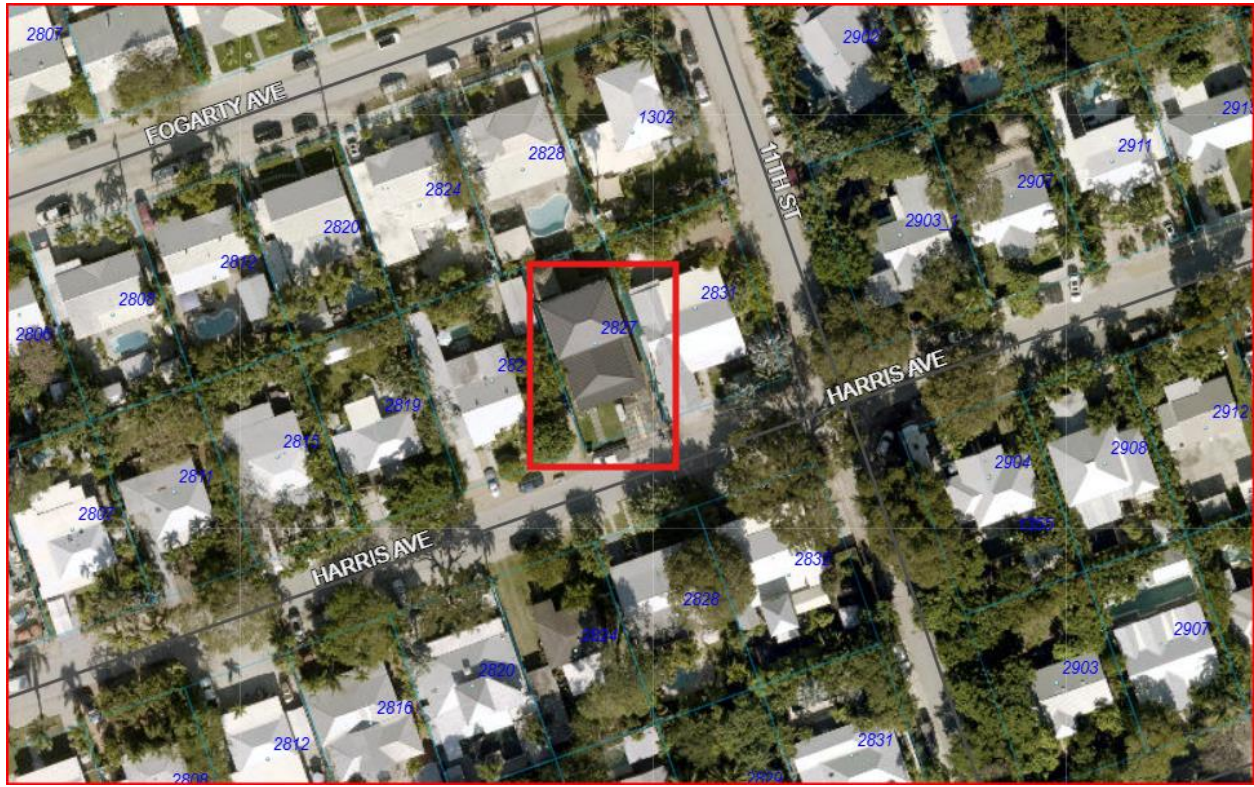
Applicant: Owen Trepanier

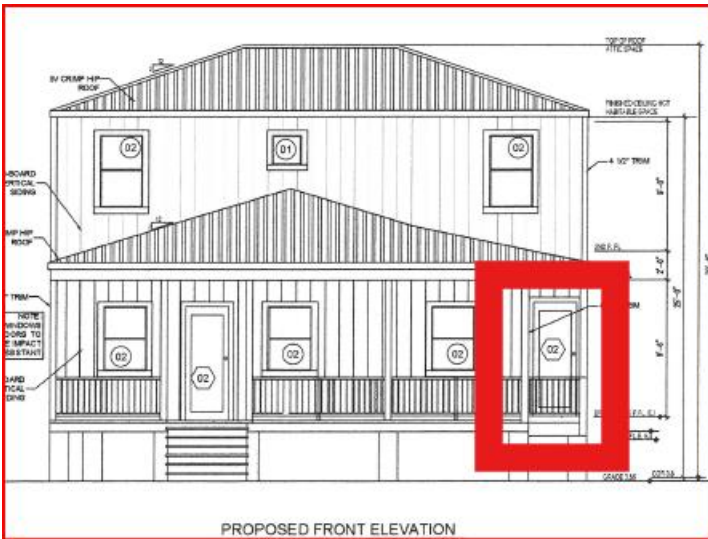
Property Owner: Rajindhar M. Ramsingh

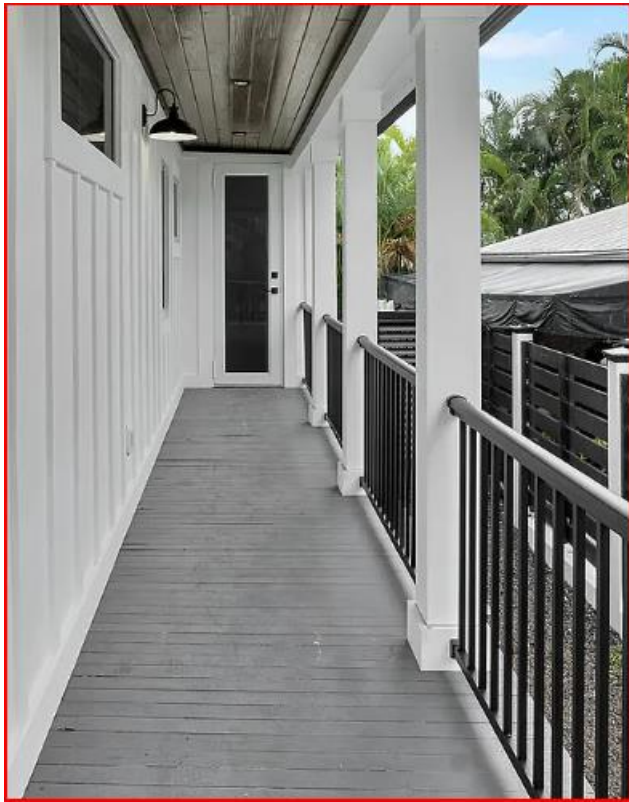
Location: 2827 Harris Avenue (RE # 00067390-000000)

Zoning: Single Family (SF) zoning district









Background/Request:

The existing residential structure is located within the front and side yard setbacks. The property is not located within the Key West Historic District and is not considered a contributing structure. The applicant was previously awarded a front yard setback and building coverage variance (resolution #2115).

The applicant is proposing to construct a second ingress/egress off the front porch and said it is needed due to flood plain elevation. There is an existing ingress/egress already off the front porch. The proposed ingress/egress addition triggers the need for the after the fact variance by going over the allowed building coverage of 35%.

Relevant Singl Family Zoning District Dimensional Requirements: Code Section 122-600				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Minimum lot size	6,000 SF	5034.72 SF	N/A	No change
Maximum density	8 dwelling units per acre	1 du / 0.16 ac= 22.47	N/A	No change
Maximum building coverage	35%	42.1%(2,122sf)	45.5% (2,291sf)	Variance required
Maximum impervious surface	50%	3.7% (134.2 sf)	70% (1,362 sf)	No Change

Process:

Planning Board Meeting:

November 20, 2025

HARC:

n/a

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 applicant states that there are special conditions and circumstance that exist that 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, but does not describe what the special circumstance or condition may be.

NOT 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 applicant states that the conditions are not created by the applicant, and that the special conditions and circumstances are not the result from any actions or negligence by the applicant. Once again, we still do not know of the special circumstance or condition of the property. The applicant took the existing house and created a five bedroom house creating the condition.

NOT 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.***

Section 122-27 of the Land Development Regulations discourages the expansion of site nonconformities. Therefore, having increased the front lot coverage to construct a wraparound porch would confer special privileges upon the applicant.

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.***

Denial of the requested after the fact variance would not deprive the applicant of rights commonly enjoyed by other properties in the SF Zoning District. Therefore, hardship conditions do not exist.

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 after the fact variance requested is 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.***

Although not following all of the standards for considering variances, the granting of the requested variances would not be injurious to the area involved and otherwise detrimental to the public interest.

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):

n/a

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 any public comment for the after the fact variance request as of the date of this report.

RECOMMENDATION:

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for the after the fact variance be **denied**.