

**THE CITY OF KEY WEST  
PLANNING BOARD  
STAFF REPORT**



**To:** Chairman and Planning Board Members  
**Through:** Taylor Brown, City Planner  
**From:** James Singelyn, Senior Planner  
**Meeting Date:** March 12, 2026  
**Agenda Item:** **Variance – 1507 18<sup>th</sup> Street (RE # 00071390-000000)** – A request for a variance to maximum building coverage, in order to construct a rear yard accessory structure on a property located within the Single-Family Residential (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.

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**Request:** The applicant is seeking to expand existing building coverage, to construct an accessory structure in the rear yard.  
**Applicant:** Jonathan Tavares  
**Owner:** Cory & Carrie Otto  
**Location:** 1507 18<sup>th</sup> Street (RE # 00071390-000000)  
**Zoning:** Single Family (SF) Zoning District



## Background and Request:

The subject property contains a single-family residence within the Single-Family (SF) zoning district and has a dilapidated existing accessory structure. The proposed new shed would increase total building coverage from the existing 34.44% to 41.76%, which requires a variance. The maximum allowed building coverage is 35%. The immediate surrounding properties are also located in the Single Family (SF) zoning district.

Per Sec. 122-233(a)(11) - Accessory units shall maintain a minimum setback of five (5) feet from any rear or side yard.

<b>Relevant SF Zoning District Dimensional Requirements: Code Section 122-238</b>				
<b>Dimensional Requirement</b>	<b>Required/ Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change / Variance Required?</b>
Minimum lot size	6,000 SF	8,250 square feet	No change	No change In compliance
Maximum density	8 dwelling units per acre	1 du /.22ac= 4.5	1 du /.22ac= 4.5	No change In compliance
Maximum height	25 feet + 5 feet non-habitable	N/A	23 feet 8 inches	No change In compliance
Minimum front setback	20 feet	N/A	87 feet 10 inches	No change In compliance
Minimum side setback	5 feet	N/A	29 feet	No change In compliance
Minimum side setback	5 feet	N/A	5feet	No change In compliance
Minimum Rear setback	25 feet	N/A	11 feet 2 inches	No change In compliance
Maximum building coverage	35%	34.41%	41.76%	(rear yard accessory structure) <b>Variance Requested</b>
Maximum impervious surface	50%	35.6%	31.73%	Reduction In compliance

### Process:

**Planning Board Meeting:**

March 12, 2026

**Local Appeal Period:**

10 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 of the following:

1. *Existence of special conditions or circumstances. 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 land, structures and buildings involved are located on the property within the SF Zoning District and planning does not find any special circumstances existing that would be peculiar to the land structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.

**NON-COMPLIANT.**

2. ***Conditions are not created by applicants. That the special conditions and circumstances do not result from the action or negligence of the applicant.***

The applicant is choosing to increase the property's existing building coverage to construct an accessory structure but is still over the 35% allowed coverage. The increase in building coverage over the allowable 35% would create a legal non-conforming accessory structure.

**NON-COMPLIANT.**

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, expanding the allowed building coverage would confer special privileges upon the applicant.

**NON-COMPLIANT.**

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.***

The request to expand the coverage of the lot is due to the property owner's parents moving into their home. Personal or family circumstances are not land-based hardships under Section 90-395. Hardship must arise from physical characteristics of the property, not personal need.

**NON-COMPLIANT.**

5. ***Only minimum variance granted. That the variance granted is the minimum variance that will make possible 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, building, or structure.

**NON-COMPLIANT.**

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 granting of the requested variance would not be injurious to the area involved nor otherwise be detrimental to the public interest. The granting of the variance will not be in harmony with the general intent and purpose of the land development regulations or be consistent with the Comprehensive Plan.

#### **NON-COMPLIANT.**

- 7. Existing nonconforming uses of other property are 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 or utility service 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 not 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 comments about 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 variance to be **DENIED**. If the Planning Board decides on approval, we recommend that the following conditions be applied.

1. The applicant follows the provided and agreed upon site plans digitally signed and sealed by Robert Hulec on 2/03/2026