



**THE CITY OF KEY WEST  
FLOODPLAIN MANAGEMENT  
Staff Report**

**To:** Chairman and Planning Board Members

**From:** Scott Fraser, FEMA Coordinator/Floodplain Administrator

**Date:** October 12, 2018

**Meeting Date:** November 15, 2018

**Agenda Item:** Variance Application, 715 Seminole St – Temporary Office Structures, for Disaster Recovery

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**File Numbers**

Planning Dept: VAR2018-0015  
Code Compliance: 18-00919  
Building Department: 2018-00003041

**Summary:** Request for the emergency installation of four temporary portable office buildings – below the minimum Design Flood Elevation - to house staff evacuated from an adjacent office building damaged by Hurricane Irma, while that building is repaired; for a period of time not greater than one year. Said portable office buildings being at the owner’s risk from flood damage.

**Background:**

Hurricane Irma struck Key West during September 10, 2017, damaging a 1.5-story office building listed as a Historic Contributing Structure at this location. This storm damage necessitates the evacuation of these offices so they can be repaired.

During December 2017, the owners applied for and were issued a building permit for repairs to this office building [#2017-4171].

During June 29, 2018, officers from City Code Compliance followed-up on a complaint of four unpermitted manufactured home style office buildings having been installed absent required building permits. This complaint was validated the owner issued a Notice of Code Violation. The Contractor - admittedly - inappropriately assumed the installation of these temporary buildings was inclusive of the permit to repair the adjacent building.

Subsequently, the owner applied for an after-the-fact building permit for these temporary “trailers” [#2018-00003041]. A review and site visit conducted by the City’s Floodplain Administrator disclosed these structures had been installed within a FEMA designated AE-9 flood zone, approximately 3-4 feet below the minimum Design Flood Elevation for this site.

Under non-disaster conditions, such an application would have been summarily denied. With disaster recovery being the main focus, the Chief Building Official has issued a Temporary Certificate of Occupancy for these four structures, at their present elevations, conditional upon:

VAR2018-0015

1. Application for a floodplain variance having been submitted; which has occurred.
2. For a term limited to six-months, but renewal upon request for an additional six months
3. Rescinded immediately should the floodplain variance be denied.
4. Owner assumes full responsibility for future flood damage and holds the City harmless from same.

**Applicable Ordinances:**

- This application cites Section 122-1078 Restrictions on buildings and structures, including entryways
- It should also cite Section 34-129 – Floodplain Management – Variances and Appeals.

**Disaster Recovery Exceptions:**

To achieve the normal minimum elevation requirements for this site, concrete columns or semi-permanent foundations would be necessary, along with non-standard provisions for elevated ADA access. These requirements would constitute a hardship that would unnecessarily aggravate the hurricane damage recovery process.

Under the provisions of the City's participation in the National Flood Insurance Program and local floodplain ordinances (Chapter 34), a floodplain variance is necessary for such a non-compliant installation; which under ordinary non-disaster circumstances would not be considered.

Consideration of having these transportable structures removed upon threat of flooding was deemed by the Chief Building Official and Floodplain Administrator as unfeasible and hazardous given that:

- Advance warning of tropical storms doesn't always occur (e.g. Hurricane Katrina, 2005).
- At their present location, these structures are secured to the Earth, and if temporarily relocated to another portion of the City under threat of storm, would still be below the flood levels and become more susceptible to wind damage by becoming dangerous and damaging debris.
- The concept of transporting these structures to a safe location on the mainland upon threat of storm would be hazardous to the single evacuation route out of the Florida Keys, where a single mishap – especially during advancing high winds over open bridges – could trap evacuees until the roadway could be cleared.

**Recommendation:** The Floodplain Administrator recommends the Planning Board approve this variance request for a term not longer than one year.