

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



To: Chairman and Planning Board Members

Through: Patrick Wright, Planning Director

From: Vanessa Sellers, Planner I

Meeting Date: September 18, 2018

Agenda Item: **Variance – 622 Mickens Lane (RE # 00013130-000100)** – A request for a variance to the parking requirement of one off-street parking space to allow for no off-street parking for property located within the Historic Residential Office (HRO) Zoning District pursuant to Sections 90-395 and 108-572 (1) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: The applicant is seeking a variance in order to eliminate the off-street parking space as required by Section 108-572 of the LDRs.

Applicant: Samuel Vogan and William Vogan

Property Owner: Samuel W. Vogan and Silvina Vogan

Location: 622 Mickens Lane

Zoning: Historic Residential Office (HRO) District



Background:

The property at 622 Mickens Lane is located off of Angela Street between Whitehead Street and Thomas Street and is one lot of record. It is located within the CL Zoning District, and it is within the Key West Historic District boundaries. In 2003, the previous residential structure was demolished. Today, the property remains vacant.

The applicant is proposing to construct a new single-family structure. Although the proposed plans comply with all the dimensional requirements of the CL district, the plans submitted would require a variance to the minimum number of parking spaces required for single-family use.

The following table summarizes the request variance:

Relevant HRO Zoning District Dimensional Requirements: Code Section 122 - 930				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Maximum height	30'	(vacant lot)	18'-6"	No
Minimum lot size	5,000 SF	2,475 SF	No Change	No
Maximum density	16 dwelling units per acre	(vacant lot)	1 du	No
Maximum building coverage	50%	0%	45%	No
Maximum impervious surface	60%	0%	59%	No
Minimum open space residential)	35%	100%	40%	No
Minimum front setback	5'	(vacant lot)	5'	No
Minimum side setback	5'	(vacant lot)	5'	No
Minimum rear setback	10'	(vacant lot)	19'	No
Relevant Off-Street Parking Requirements: Code Section 108-572				
Minimum off-street parking	1 space	(vacant lot)	0 spaces	Yes

Process:

Planning Board Meeting: September 18, 2018
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 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 parcel is nonconforming in size, width, and depth. In addition, the neighborhood is characterized by long and narrow, one-story buildings with close proximity to the street. However, given that the previous structure was demolished, and this is an entirely new design, it is difficult for staff to find good and sufficient cause that the house cannot be designed to allow space for one off-street parking space that meets the minimum width and depth as required by section 108-641.

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 is proposing to construct a new, single-family residence, without the required off-street parking. Therefore, the conditions are generated from the specific actions initiated by the applicant.

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, permitting the construction of a single-family home without the required minimum number of off-street parking spaces 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.***

The applicant is obligated to design the proposed home to meet the Historic Architectural Review Committee (HARC) Guidelines, which regulate not only the size, character appearance, and proportion of the structure, but also the site positioning of the structure. Although it could be achieved, the applicant chose a design that does not allow for a 90-degree angle off-street parking space. Literal interpretation of the provisions of the land development regulations would not deprive the applicant of rights commonly enjoyed by other properties in the HRO zoning district under the terms of this ordinance and would not work unnecessary and undue hardship on the applicant.

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 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.*

Due to the non-compliance with all the standards for considering variances, the granting of the request variance would be injurious to the area involved and otherwise detrimental to the public interest.

NOT 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):

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 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 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 variances be denied.

However, if the Planning Board approves this request, staff would like to require the following conditions:

General Conditions:

The proposed development shall be consistent with the plans dated August 13, 2018 by William Vogan, Registered Architect. No approval granted for any other work or improvements shown on the plans other than the proposed construction of a new residential structure without an off-street parking stall as described in section 108-641.

