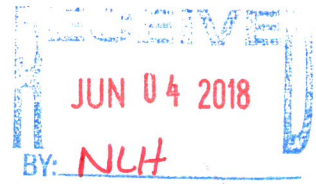


Application



GREGORY S. OROPEZA | ADELE VIRGINIA STONES | SUSAN M. CARDENAS

June 3, 2018

Delivered by Hand

Patrick Wright
Director of Planning
City of Key West
1300 White Street
Key West, FL 33041-1409

Re: Resolution No. 2015-27
805 Olivia Street, Key West, Florida

Dear Mr. Wright:

Please accept this letter as a petition to extend the variance granted in City of Key West Resolution No. 2015-27 as extended by Resolution No. 2017-29 (collectively the "Original Variance") as amended ("Amended Variance").

The City of Key West Historical Architectural Commission ("HARC") has not approved the Amended Variance; and, as such, the owner needs additional time to revise plans and drawings to comport to HARC requests and approvals.

There is no prejudice to the City or surrounding neighbors in the granting of this request. Thank you for your consideration of this request.

Sincerely,

Gregory S. Oropeza

GSO:gg
Copy to:
Client

RESOLUTION NUMBER 2017-29

A RESOLUTION OF THE KEY WEST PLANNING BOARD TO ALLOW AN EXTENSION OF APPROVED VARIANCES FOR SIDE AND REAR YARD SETBACK REQUIREMENTS IN THE HISTORIC HIGH DENSITY RESIDENTIAL (HHDR) ZONING DISTRICT PER PLANNING BOARD RESOLUTION 2015-27 FOR PROPERTY LOCATED AT 805 OLIVIA STREET (RE#00019930-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Planning Board Resolution 2015-27; approving side and rear yard setback variances for the subject property; and

WHEREAS, the applicant requested a 12 month extension from the effective date of the variance extension; and

WHEREAS, the applicant has demonstrated that no change of circumstances to the property or its underlying zoning has occurred; and

WHEREAS, the applicant submitted a timely request for extension and demonstrated that there are no changes to circumstances regarding the original variance approval; and

WHEREAS, the granting of the variance extension will be in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare;

WHEREAS, the Planning Board finds that the granting of the variance does not permit a use not permitted by right or as a conditional use in the zoning district involved or any use expressly or


Chairman


Planning Director

by implication prohibited by the terms of the ordinance in the zoning district; and

WHEREAS, the Planning Board finds that the granting of the variance does not increase or have the effect of increasing density or intensity of a use beyond that permitted by the comprehensive plan or the LDRs.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That the variance extension granted by Planning Board Resolution 2015-27, to **SIDE AND REAR YARD SETBACKS** in the **HHDR, Historic High Density Residential Zoning District**, under the Code of Ordinances of the City of Key West, Florida, is hereby extended for an additional period of 12 months **FOR THE PROPERTY LOCATED AT 805 OLIVIA STREET (RE# 00019930-000000)**, SEE ATTACHED PLANS dated 12/18/2014.

Section 3. It is a condition of this variance that full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months.

Section 4. This variance extension does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 4. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

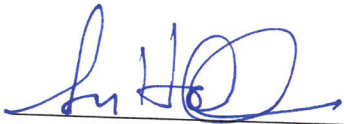
Section 5. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 9J-1, F.A.C., this permit is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO can appeal the permit to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.


Chairman


Planning Director

Read and passed on first reading at a special meeting held this 20th day of July, 2017.

Authenticated by the Chairman of the Planning Board and the Planning Director.



Sam Holland, Chairman
Key West Planning Board

7/27/17
Date

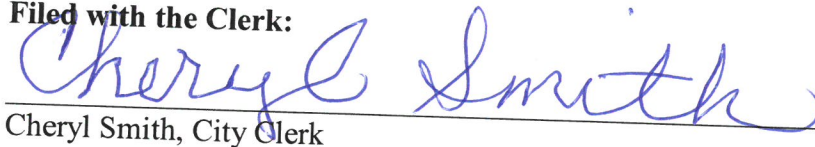
Attest:



Patrick Wright
Planning Director


7-27-17
Date

Filed with the Clerk:



Cheryl Smith, City Clerk

7-27-17
Date


Chairman


Planning Director

**PLANNING BOARD
RESOLUTION NO. 2015-27**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS VARIANCE TO MINIMUM SIDE YARD SETBACK ON PROPERTY LOCATED AT 805 OLIVIA STREET (RE # 00019930-000000; AK # 1020621) IN THE HISTORIC HIGH DENSITY RESIDENTIAL (HHDR) ZONING DISTRICT PURSUANT TO SECTIONS 90-395 AND 122-630(6)B. OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, the applicant proposes to construct a second residential unit (2 ½ story structure) within the side yard setback on property located at 805 Olivia Street (RE # 00019930-000000; AK # 1020621); and

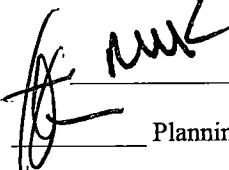
WHEREAS, on April 9, 2009 the Planning Department acknowledged the existence of a second non-transient dwelling unit through the lawful unit determination process; and

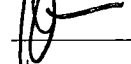
WHEREAS, Section 122-630 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that the minimum side yard setback is five (5) feet (or 10 percent of lot width to a maximum of 15 feet, whichever is greater); and

WHEREAS, the proposed is northeast side yard setback is 5 feet from the 10.5 feet minimum required; and

WHEREAS, the applicant requests a variance to the minimum side yard setback; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 16, 2015; and



Chairman


Planning Director

WHEREAS, the Planning Board finds 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 district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds 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; and

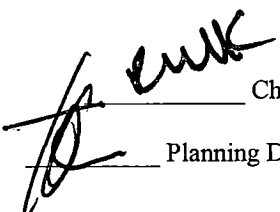

WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

WHEREAS, the Planning Board finds that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds 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; and

WHEREAS, the Planning Board finds that 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 are grounds for the issuance of the requested variance; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor


Chairman

Planning Director

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.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

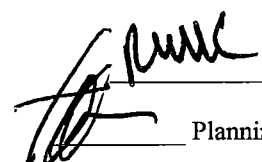
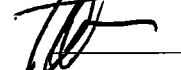
Section 2. An approval by Resolution of the Key West Planning Board for side yard setback variance for the construction of a 2 ½ story structure on property located at 805 Olivia Street (RE # 00019930-000000; AK # 1020621) in the HHDR Zoning District pursuant to Sections 90-395 and 122-630(6)b. of the City of Key West Land Development Regulations with the following condition:

General Conditions:

1. Maintain 5 feet side yard setback free and clear of any obstructions for life safety accessibility.

Section 3. It is a condition of this variance that full, complete and final application for all conditions of this approval for any use and occupancy for which this variance is wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to fully and completely apply the conditions of approval for

 Chairman
 Planning Director

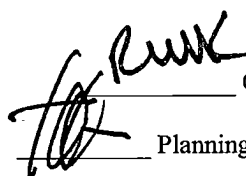
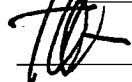
permits for use and occupancy pursuant to this variance in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

Section 5. This variance does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

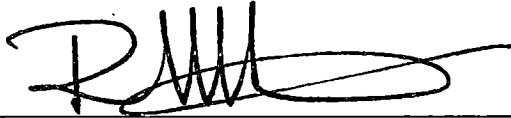
Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 7. This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period, the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 16th day of July 2015.


Chairman

Planning Director

Authenticated by the Chairman of the Planning Board and the Planning Director;

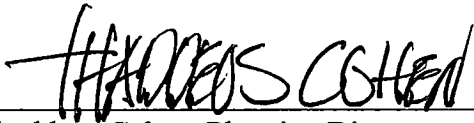


Richard Klitenick, Planning Board Chairman

8/6/2015

Date

Attest:

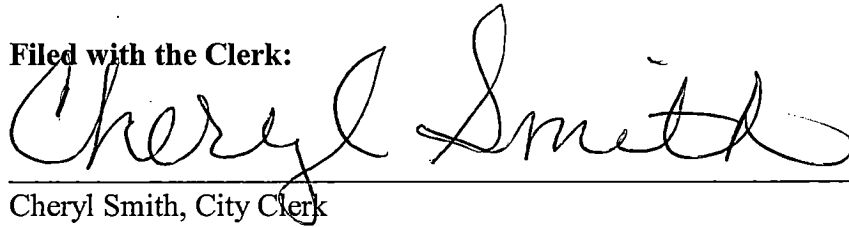


Thaddeus Cohen, Planning Director

7/20/15

Date


Filed with the Clerk:



Cheryl Smith, City Clerk

8-17-15

Date



Chairman
Planning Director

ZONING CALCULATIONS

	ALLOWED	EXISTING	PROPOSED	COMPLIANCE
WEIGHT	30'	37'	30'	Yes
BUILDING COVERAGE	40%	2,095 s.f. (28.5%)	2,940 s.f. (40%)	Yes
IMPERVIOUS SURFACE RATIO	60%	3,119 s.f. (42%)	3,262 s.f. (52.7%)	Yes
LOT SIZE	Min. 4,000 s.f.	7,303 s.f.	N/A	N/A
LOT WIDTH	Min. 40'	35'	N/A	N/A
LOT DEPTH	Min. 50'	27'	N/A	N/A
FRONT SETBACK	Min. 12'	12'	15'-6" (Min.)	Yes
SIDE SETBACK (East) (Exst. Shed)	Min. 10'-6"	2'-11"	No Change	N/A
SIDE SETBACK (East) (New Construction)	Min. 10'-6"	N/A	5'	No
STREET SIDE SETBACK (N/A)	Min. 10'-6"	N/A	No Change	N/A
REAR SETBACK - Exst. Shed	Min. 10'	2'-8"	No Change	N/A
REAR SETBACK - New Construction	Min. 20'	N/A	30'	Yes
OPEN SPACE	15% Min.	5,253 s.f. (72%)	4,430 s.f. (60%)	Yes

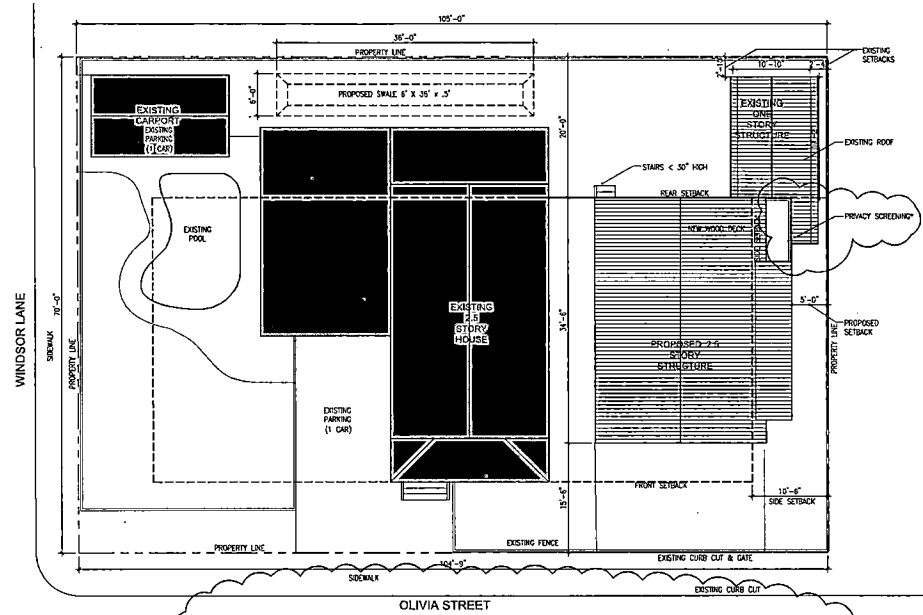
DRAINAGE CALCS

REQUIRED INFORMATION:
 TOTAL LOT AREA = 7,350 S.F.
 INCREASED IMPERVIOUS AREA = ROOF = 715 S.F.
 % IMPERVIOUS = 715 / 7,350 = 0.97%

SWALE VOLUME REQUIRED:
 FOR A HOME WITH 40% OR GREATER IMPERVIOUS COVERAGE
 LOT AREA * 0.104 * % IMPERVIOUS = SWALE VOLUME
 7350 * 0.104 * .997 = 741 C.F.

SWALE PROVIDED:
 SWALE A = (8' X 26' X 0.5') = 81 C.F.

SWALE SIZE IS APPROX. 7% LARGER TO ALLOW FOR LANDSCAPING



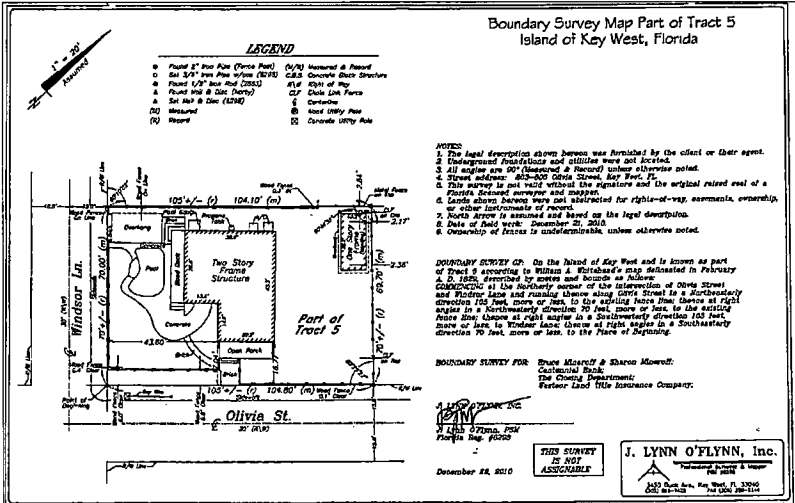
TREE NOTES:
 TREES NEAR AND WITHIN THE PROJECT AREA (INCLUDING CANOPY IN THE ADJACENT PROPERTY) WILL BE PROTECTED DURING CONSTRUCTION. TREES LOCATED WITHIN THE WORK AREA THAT MAY NEED TO BE REMOVED OR TRIMMED, MAY REQUIRE PERMITS FROM THE TREE COMMISSIONER. IF A ROOT OR ROOTS OF A NEIGHBORING TREE ARE LOCATED WITHIN THE PROPOSED WORK AREA, THE PROPERTY OWNER / CONTRACTOR WILL CONSULT WITH THE URBAN FORESTRY MANAGER BEFORE COMMENCING ANY WORK THAT WILL RESULT IN SEVERING THE ROOT / ROOTS.

* SUBJECT TO H.A.R.C. APPROVAL

2 PROPOSED SITE PLAN
 SCALE: 1/8"=1'-0"



1 CONTEXTUAL ELEVATION
 SCALE: 1/8"=1'-0"



3 COPY OF SURVEY
 SCALE: AS NOTED

wsa
 william shepler
 architect

Tel: 305-430-4191
 Email: info@wsaarch.com

Scale:

Comments:

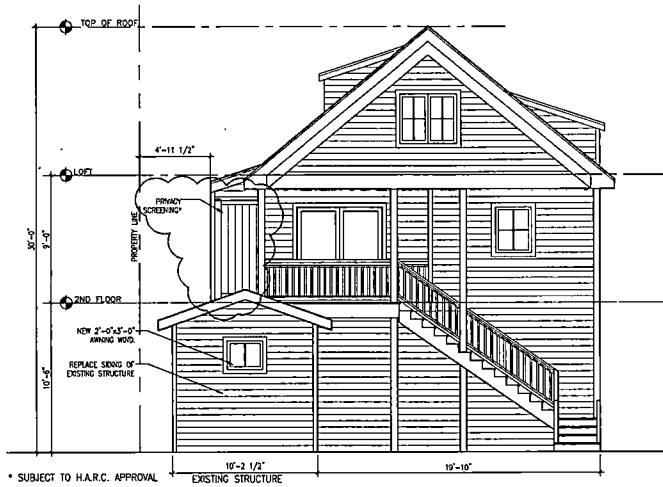
Revisions / Revisions:
 MARK REVISION 1 - 2014.11
 DRAWING REV. 1 - 2014.04.04
 DRAWING REV. 2 - 2014.04.04
 DRAWING REV. 3 - 2013.11
 DRAWING REV. 4 - 2013.07

805 OLIVIA STREET
 KEY WEST, FL
 NEW RESIDENTIAL PROJECT

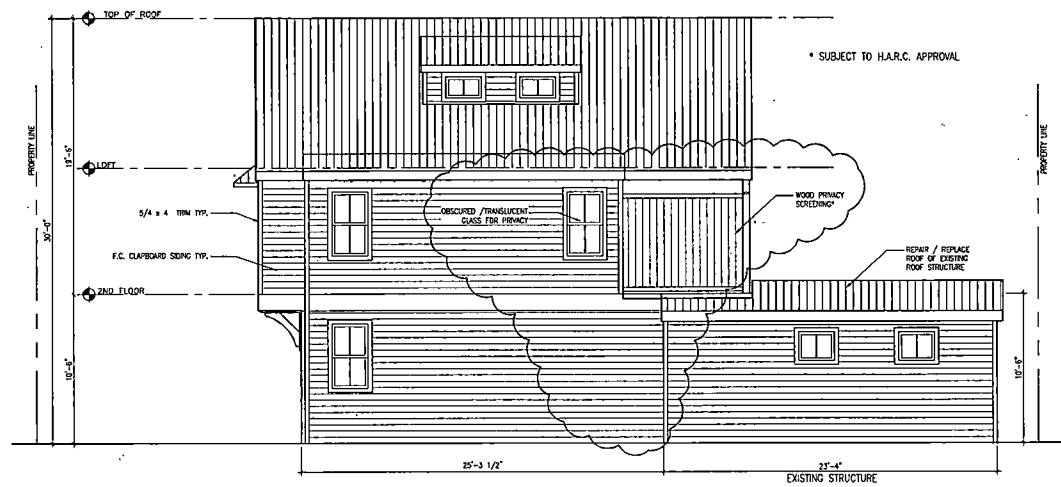
Drawing Size: 14x11 | Project #: 13027
 Title: SITE PLANS / CALCS / SURVEY
 Sheet Number: **A-1.1**
 Date: MAY 27, 2015
 ©2015 by William Shepler Architect

Handwritten signature

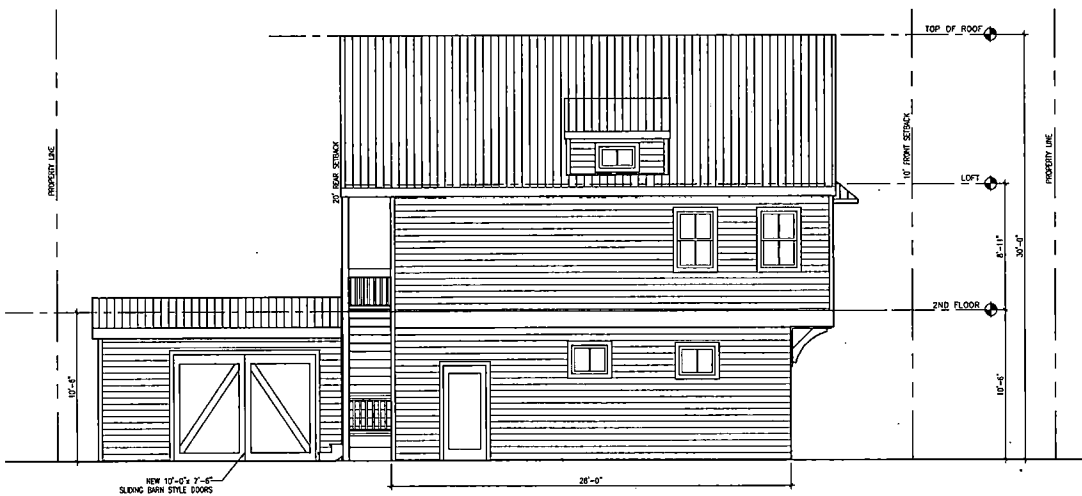
Handwritten signature



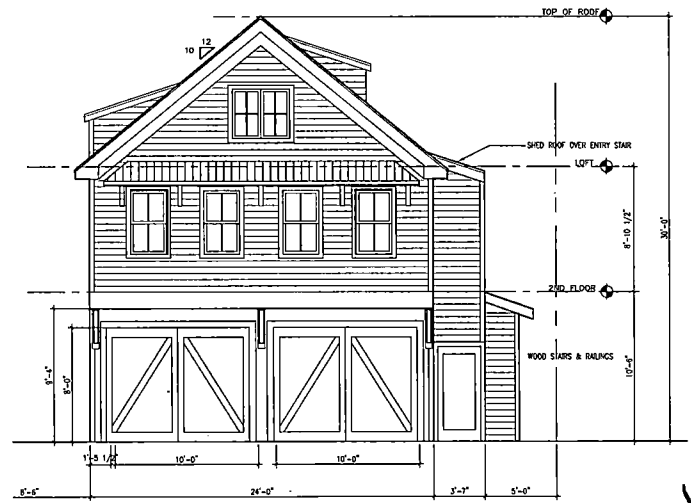
4 NORTH ELEVATION
A3.1 SCALE: 1/4"=1'-0"



2 EAST ELEVATION
A3.1 SCALE: 1/4"=1'-0"



4 WEST ELEVATION
A3.1 SCALE: 1/4"=1'-0"



1 SOUTH ELEVATION
A3.1 SCALE: 1/4"=1'-0"

PK

W. Shepherd

Consultants:

Submissions / Revisions:
 ISSUE SHEET 001 - 2014.11
 DESIGN DEVELOPMENT - 2014.12.18
 PERMITS REV. 1 - 2015.02.04
 PERMITS REV. 2 - 2015.03.09
 PERMITS REV. 3 - 2015.11.11
 PERMITS REV. 4 - 2015.12.17

805 OLIVA STREET
KEY WEST, FL
NEW RESIDENTIAL PROJECT

Drawing Size: 24x36 Project #: 13023
Title:

ELEVATIONS

SCALE: 1/4" = 1'-0"
Sheet Number:

A-3.1

Date: MAY 27, 2015
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