

RESOLUTION NO. 25-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A REQUEST FOR A VARIANCE TO ALLOW AN INCREASE IN THE MAXIMUM HEIGHT FROM 40-FEET TO 47.1-FEET TO PERMIT THE EXPANSION OF AN EXISTING SCHOOL ON PROPERTY LOCATED WITHIN THE LIMITED COMMERCIAL (CL) ZONING DISTRICT PURSUANT TO SECTIONS 90-395 AND 122-390 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 1.05 of the Charter of the City of Key West provides that the Board of Adjustment of the City of Key West may issue height variances for nonhabitable purposes; and

WHEREAS, the property owner of 1904-1906 Flagler Avenue (RE# 00063480-000000) and 1908 Flagler Avenue (RE# 00063450-000000) has submitted a request to increase the maximum allowable height from 40-ft. required to 47.1-ft. to allow for nonhabitable space at a proposed school building in the Limited Commercial zoning district; and

WHEREAS, the criteria for evaluating a variance are listed in Section 90-395 of the City Code;

WHEREAS, the Key West Board of Adjustment (the "Board") finds that circumstances exist which are peculiar to the land, structure, or building involved and that special conditions which are not applicable to other land, structures, or buildings in the same district; and

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

WHEREAS, the 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 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 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 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 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 variances; and

WHEREAS, this matter came before the City Commission at a duly noticed public hearing on March 3, 2025; and

WHEREAS, the Board finds that the applicant has satisfied the conditions of Section 90-395 of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City"); and

NOW, THEREFORE, BE IT RESOLVED by the City Commission 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. The request for a variance to the maximum height in the Limited Commercial zoning district to allow for a height of 47.1 feet is hereby _____ with the following conditions:

General conditions:

1. The development shall be consistent with the attached plans dated March 2024 and revised 09/20/2024 by Civica, and the landscape plan dated July 2024, and revised 09/20/24 by Civica.
2. The development shall be consistent with the Major Development Plan and Conditional Use Approval issued by the City Commission in Resolution 25-_____.

Section 3. This approval by the City Commission does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of the 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 or development order shall be rendered to the Florida Department of Commerce. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 45 days after it has been properly rendered to the DOC with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period, the DOC 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 4th day of March, 2025.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2025.

Filed with the Clerk _____, 2025.

Chair Danise Henriquez	_____
Vice Chair Lissette Carey	_____
Commissioner Aaron Castillo	_____
Commissioner Monica Haskell	_____
Commissioner Mary Lou Hoover	_____
Commissioner Sam Kaufman	_____
Commissioner Donald "Donie" Lee	_____

DANISE HENRIQUEZ, CHAIR

ATTEST:

KERI O'BRIEN, CITY CLERK