

**PLANNING BOARD
RESOLUTION NO. 2020-**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD DENYING THE VARIANCES TO MAXIMUM ALLOWABLE BUILDING COVERAGE AND MAXIMUM ALLOWABLE IMPERVIOUS SURFACE AND MINIMUM REAR-YARD SETBACK REQUIREMENTS ON PROPERTY LOCATED AT 3725 PAULA AVENUE (RE # 00054890-000000) IN THE SINGLE FAMILY (SF) RESIDENTIAL ZONING DISTRICT PURSUANT TO SECTIONS 90-395 AND 122-238(4) a. AND b.1. AND 122-238 (6) b.3. OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, the applicant proposes to construct an addition on the principal structure on property located at 3725 Paula Avenue (RE # 00054890-000000); and

WHEREAS, Section 122 (4) a. of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) states that the maximum allowable building coverage is thirty-five (35) percent; and

WHEREAS, the existing building coverage is 34 percent and the proposed building coverage is 43.9 percent of the property; and

WHEREAS, Section 122-238 (4) b. 1. of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) states the maximum allowable impervious surface ratio is 50 percent; and

WHEREAS, the existing impervious surface is 47.2 percent, and the proposed impervious surface is 54.9 percent; and

WHEREAS, Section 122-238 (6) b.3. of the Land Development Regulations (the “LDRs”)

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of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) states the minimum rear-yard setback requirement is 25.0-feet; and

WHEREAS, the existing minimum rear-yard setback is 23’10.5-feet, and the proposed rear-yard setback remains unchanged at 23’10.5-feet, however, it will be expanded upon; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on June 18, 2020; and

WHEREAS, the Planning Board finds that special conditions and circumstances do not 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. Specifically, the existing property is a standard developed property with no particular set of circumstances that are peculiar to the land, structure, or buildings involved. The circumstances of this property are applicable to other lots in the Single Family (SF) zoning district; and

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

WHEREAS, the Planning Board finds that granting the variance requested will confer upon the applicant special privileges denied by the land development regulations to other lands, buildings, or structures in the same zoning district; Specifically, section 122-32 (d) of the Land Development Regulations states *A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. This prohibition shall include but not be limited to the extension of a nonconforming use within a building or structure or to any other building or structure*; and

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WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would not deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would not work unnecessary and undue hardship on the applicant. Specifically, the applicant currently has existing use of the property without approval of the variance; and

WHEREAS, the Planning Board finds that the variances requested are not the minimum variances 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 not be in harmony with the general intent and purpose of the land development regulations and that such variance will be injurious to the area involved or otherwise detrimental to the public interest or welfare. Specifically, due to not being in compliance with all of the standards for considering variances, the granting of the requested variance would be injurious to the area involved and otherwise detrimental to the public interest, and

WHEREAS, the Planning Board finds 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.

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. The applicant’s request for a variance to the maximum allowable building

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coverage, the maximum allowable impervious surface ratio, and minimum rear-yard setback requirements for the proposed construction of a 640-square-foot addition to the principal family structure on the property located at 3725 Paula Avenue (RE # 00054890-000000) in the Single Family (SF) Zoning District pursuant to Sections 90-395, 122-238 (4) a. and b., 122-238 (6) d. of the City of Key West Land Development Regulations be **denied**.

Section 3. 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 4. This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations).

Read and passed on first reading at a regularly scheduled meeting held

this 18th day of June 2020.

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

Sam Holland, Key West Planning Board Chairman

Date

Attest:

Katie Pearl Halloran, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

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_____ Chairman

_____ Planning Director