



THE CITY OF KEY WEST PLANNING  
BOARD  
Staff Report

**To:** Chairman and Planning Board Members

**Through:** Katie P. Halloran, Planning Director

**From:** Kimberly Barua, Corradino Group

**Meeting Date:** December 16, 2021

**Agenda Item:** **Variance – 1327 Duval St (RE# 00036190-000100)**

**Request:** A request for a variance to Code Sec. 108-572 to allow twelve (12) less vehicle spaces than required by code. The request is to allow for fourteen (14) full-size vehicle parking spaces whereas the code requires twenty six (26).

**Property Owners:** Santiago Family Partnership LTD

**Applicant:** Spottswood, Spottswood, Spottswood, and Sterling PLLC

**Location:** 1327 Duval Street

**Zoning:** Historic Commercial Tourist (HCT)



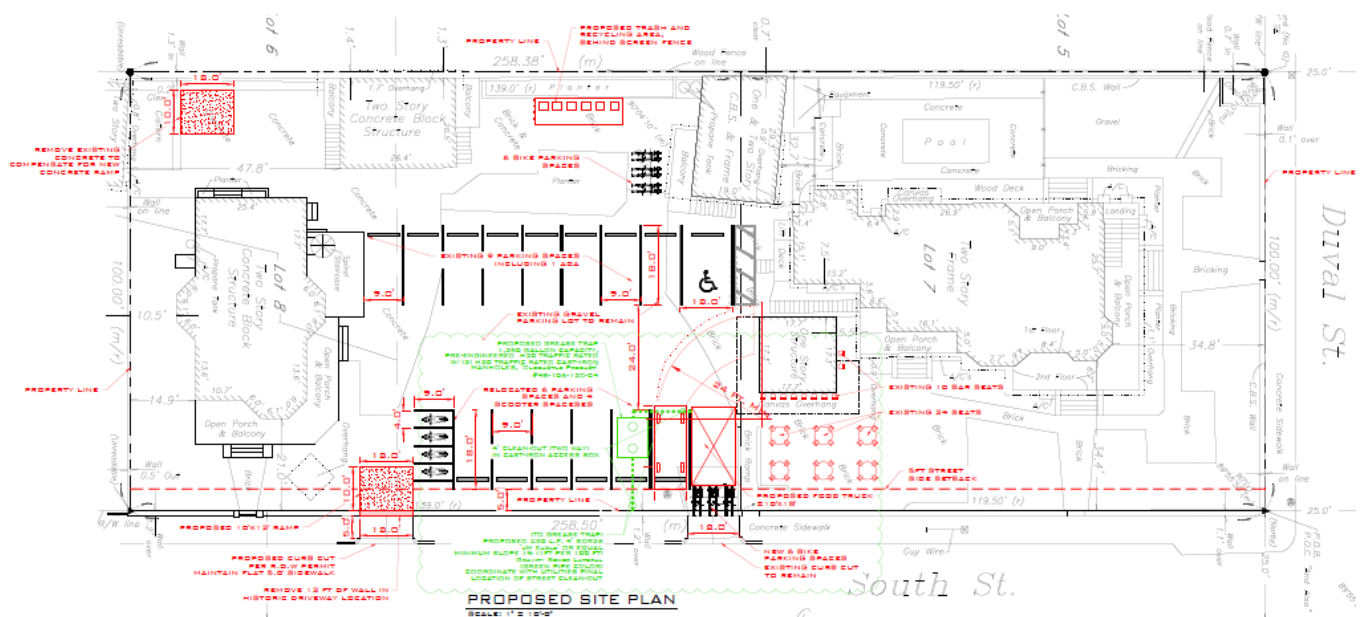
**Background/Request:** The subject property is on the 1300 block of Duval Street and South Street. It is two lots of record, lots 7 and 8, and consists of two a (2) story hotel. The property is located within the Historic Commercial Tourist (HCT) Zoning District and currently operates as the Southernmost Point Hotel. The hotel was built in 1938. The applicant is proposing a food truck (concession trailer) that will also provide kitchen facilities for the hotel.

The property currently includes seventeen off-street parking spaces. The hotel includes thirteen (13) transient hotel rooms and one non transient unit, which require a total of fifteen (15) off-street parking spaces (transient units require a parking space for a manager). The inclusion of a food truck necessitates the reconfiguration of the parking area, relocating the drive and displacing existing parking. The proposed reconfiguration will maintain fourteen (14) full size-vehicle spaces and provide one space to accommodate four (4) scooters. One space being lost related to this request is to allow for a turn-around area to prevent vehicles from backing-out of the parking lot in the event the parking lot is full. This variance request also includes an increase in the on-site consumption area, for a total of 510 square feet of consumption area or thirty-four (34) seats (150 square feet/10 seats at the bar, previously approved through Resolution 2019-42, and an additional 360 square feet/24 seats). The 510 square foot consumption area requires eleven (11) off-street parking spaces. The total required off-street parking requirement for the site is twenty six (26) spaces; the applicant is proposing fourteen (14) and space for four scooters.

The bike parking requirements are 35% of 15 spaces required for the rooms = 5 spaces.

The bike parking requirements are 25% of 11 spaces required for the consumption area (restaurant) = 3 spaces.

The application must provide 8 bicycle spaces on-site.



**Process:**

**Planning Board Meeting:** December 16, 2021  
**HARC:** TBD  
**Local Appeal Period:** 30 days  
**DEO Review Period:** up to 45 days

**Staff Analysis- Evaluation:**

The criteria for evaluating a variance are listed in Sections 90-391 through 397 of the City of Key West Land Development Regulations. 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 historic nature of the property combined with the current zoning and use create special conditions that make it impossible for parking to be added. However, the applicant is proposing twelve less parking spaces than required by code to accommodate new on-site consumption area.

**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 proposal of the parking reconfiguration is created 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.*

The Key West Parking Code sets standards to ensure life safety, general welfare, health standards, and aesthetics.

**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 the other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.*

A food truck/outdoor kitchen is being placed in the parking lot. The applicant has stated that the existing limited food preparation facility is being moved to keep the integrity of the historic nature of the building. The applicant has stated that the alternative would be to make modern upgrades to the existing kitchen, which would be detrimental to the historic property.

**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 Applicant is not requesting the minimum variances to make possible the reasonable use of the land, building, and structure. The property is fully functional currently.

**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.*

The variance would not be in harmony with the general intent of the land development regulations and may be injurious to the area involved or detrimental to the public interest or welfare; the parking variance is for twelve spaces.

**NOT IN COMPLIANCE**

7. *Existing nonconforming uses of other property shall not be considered as 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 the 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 the City Code have been met by the applicant for a variance.***

The standards established by the City Code have been met by the applicant for the variance requested.

***That the applicant has demonstrated "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.

***The Planning Board shall not grant a variance to permit a use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district.***

No use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms or the ordinance in the zoning district would be permitted.

***No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.***

No such grounds were considered.

***No variance shall be granted that increase or has the effect of the increasing density or intensity of a use beyond that permitted by the comprehensive plan or these LDRs.***

No density or intensity of a use would be increased beyond that permitted by the comprehensive plan or these LDRs.

**RECOMMENDATION:**

The Planning Department recommends Denial given that the application has not met all criteria as stated in City Code Section 90-395.

If the Planning Board chooses to approve the variance, the Planning Department recommends the following conditions:

1. The proposed construction shall be consistent with the plans, signed, sealed and dated 12/10/2021 by Serge Mashtakov.
2. The applicant shall install at least eight (8) on-site bicycle parking spaces.
3. The total number of seats on-site are as depicted on the site plan: 34 seats and 510 sqft consumption area.