

Staff Report



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

To: Chairman and Planning Board Members

Through: Thaddeus Cohen, Planning Director

From: Melissa Paul-Leto, Planner Analyst

Meeting Date: November 17, 2016

Agenda Item: **Variance Extension – 1019 Varela Street (RE# 00032500-000000, AK# 1033251) - A request for a the 1st extension of an approved variance for impervious surface regulations in the Historic Medium Density Residential (HMDR) Zoning District per Planning Board Resolution No. 2014-57 of the City of Key West Planning Board.**

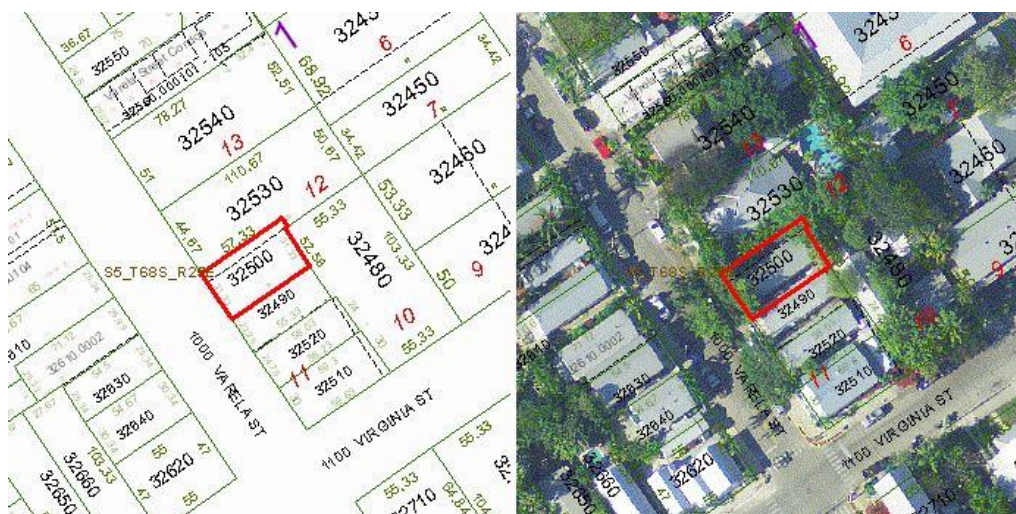
Request: The applicant is requesting an extension to Planning Board Resolution 2014-57, which granted the variance approval allowing 79.3% impervious surface coverage on the site.

Applicant: Anthony D. Sarno, Anthony Architecture, LLC.

Property Owner: Ted Kutcher, LLC

Location: 1019 Varela Street (RE# 00032500-000000, AK# 1033251)

Zoning: HMDR (Historic Medium Density Residential) Zoning District



Background:

In September of 2014, per Resolution 2014-057, a variance to impervious surface coverage was approved by the Planning Board for site modifications to include the construction of a swimming pool with a water feature wall.

The original variance approval required that all permits necessary for new construction (for any use and occupancy) be submitted in their entirety within 24 months after the approval of the variance. The approval also required that no application or reapplication for new construction be made after expiration of the 24-month period without the applicant obtaining an extension (in which it is incumbent upon the applicant to demonstrate that no changes of circumstances to the property or its underlying zoning district have occurred).

The applicant is requesting an extension to Planning Board Resolution 2014-057, allowing 79.3% impervious surface coverage on the site. The applicant’s request to extend the variance approval was received in a timely manner. The impervious surface requirements in the HMDR zoning district are broken down as follows:

HMDR District	Zoning	Required	Existing	Requested
Impervious Surface		60% (1,047.6 s.f)	64.7% (1,386 s.f)	79.3% (1, 386 s.f)

Process:

Planning Board Meeting:	November 17, 2016
HARC:	H13-011342 – Structure Renovation
Planning Board Meeting:	September 18, 2014
Development Review Committee Meeting:	June 5, 2014

Concurrency Facilities and Other Utilities or Service (Section 108-233):

No other utilities or services are required as part of this extension request.

Factors for review of the extension include the following:

- 1. The request was made on a timely basis.**
The applicant submitted a request for a variance extension on September 16, 2015, which is prior to the expiration of the previously approved variance extension.
- 2. No changes of circumstance to the property or its underlying zoning district have occurred.**
Conditions associated with the original variance appear to be unchanged. Any increase in the proposed impervious surface as a result of any design changes will require a new variance request.

RECOMMENDATION:

The Planning Department, based on the criteria established in the Comprehensive Plan and Land Development Regulations, recommends that Planning Board Resolution 2014-057 be **extended** for a period of 12 months.

Application



Anthony D. Sarno, R.A., NCARB

Professional Registration Architecture: AA2693135
Professional Registration Interior Design: B26991733
Florida Architecture License: AR95398

September 1, 2016

City of Key West Planning Department
3140 Flagler Avenue
Key West, Florida 33040
Attn: Thaddeus Cohen, Planning Director

RE: 1019 Varela Street
RE# 00032500-000000, AK# 1033251
Request for Variance Extension

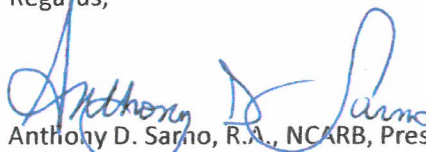
Dear Thaddeus,

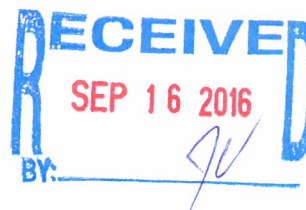
On behalf of our Client Mr. Ted Kutcher, we hereby request your consideration for an extension for an additional two years, based on the criteria of the original resolution 2014-57.

The reason for this variance extension is to allow Mr. Ted Kutcher additional time to design and engineer the approved pool, obtain qualified bid costs for construction, retain a contractor, and proceed with the construction. Our Client has been delayed in his ability to proceed ahead of the variance expiration due to the large costs of restoring the existing cottage.

We kindly ask for your approval of this variance extension request at the next available Planning Board Meeting.

Regards,


Anthony D. Sarno, R.A., NCARB, President
Anthony Architecture, LLC



Verification

City of Key West
Planning Department



Verification Form
(Where Authorized Representative is an entity)

I, Anthony D. Sarno, in my capacity as President
(print name) (print position; president, managing member)

of Anthony Architecture, LLC
(print name of entity serving as Authorized Representative)

being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

1019 Varela Street, Key West, Florida 33040
Street Address of subject property

All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

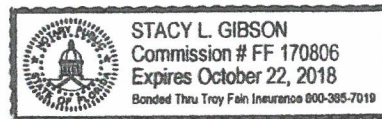
Anthony D. Sarno
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 03.22.2016 by
date

Name of Authorized Representative

He/She is personally known to me or has presented _____ as identification.

Stacy L. Gibson
Notary's Signature and Seal



STACY L. GIBSON
Name of Acknowledger typed, printed or stamped

170806
Commission Number, if any

Authorization

City of Key West
Planning Department



Authorization Form
(Where Owner is a Business Entity)

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, Theodore and Alison Kutcher as
Please Print Name of person with authority to execute documents on behalf of entity

Co-presidents of Kutcher, LLC
Name of office (President, Managing Member) Name of owner from deed

authorize Anthony Architecture, LLC
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City of Key West.

[Signatures]
Signature of person with authority to execute documents on behalf on entity owner

Subscribed and sworn to (or affirmed) before me on this 16th day of ~~October~~ November, 2016
Date

by Theodore J. Kutcher and Alison A. Kutcher
Name of person with authority to execute documents on behalf on entity owner

He/She is personally known to me or has presented Rhode Island Driver Licenses as identification.

[Signature]
Notary's Signature and Seal

JANET SIMONEAU
NOTARY PUBLIC

Name of Acknowledger typed in presence of Notary Public MY COMMISSION EXPIRES 11-3-2018

757246
Commission Number, if any

Additional Information

**PLANNING BOARD
RESOLUTION NO. 2014-57**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS VARIANCE TO MAXIMUM IMPERVIOUS SURFACE RATIO ON PROPERTY LOCATED AT 1019 VARELA STREET (RE # 00032500-000000; AK # 1033251) IN THE HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDR) ZONING DISTRICT PURSUANT TO SECTIONS 90-395 AND 122-600(4)b. OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, the applicant is proposing site modifications to include the construction of an in ground pool with water feature wall at property located at 1019 Varela Street (RE # 00032500-000000; AK # 1033251); and

WHEREAS, the existing single-family residence is a contributing structure; and

WHEREAS, the structure is located within the front, rear and right-side yard setbacks, and is also nonconforming to building coverage and impervious surface ratio requirements as permitted in the HMDR zoning district; and

WHEREAS, Section 122-600 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 maximum impervious surface ratio of 60%; and

WHEREAS, the applicant requests variance to maximum impervious surface ratio for the proposed impervious surface ratio of 79.3%; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on September 18, 2014; 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 variance to impervious surface ratio to allow site modifications to include the construction of an in ground pool with water feature wall on property located at 1019 Varela Street (RE # 00032500-000000; AK # 1033251) in the HMDR Zoning District pursuant to Sections 90-395 and 122-600(4)b. of the City of Key West Land Development Regulations with the following conditions:

General Conditions:

1. The proposed site modifications shall be consistent with the plans signed and sealed August 11, 2014 by Anthony Sarno, Registered Architect. The existing single family home marked “not in scope” is not part of this approval.
2. The applicant shall obtain a Certificate of Appropriateness for site modifications.
3. Trees near and within the project area will be protected during construction/demolition. Trees located within the work area that may need to be removed or trimmed may require permits from the Tree Commission.

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 are 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


Chairman

Planning Director

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 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.

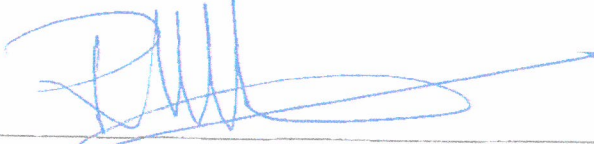
Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

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 18th day of

September 2014.

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



Richard Klitenick, Planning Board Chairman

10/2/2014

Date

Attest:

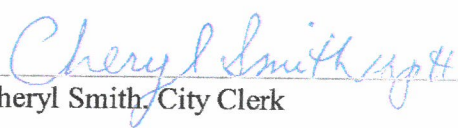


Donald Leland Craig, AICP, Planning Director

9/23/2014

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

10/3/14

Date

_____ Chairman
KJB Planning Director

KUTCHER LLC

24 CEDAR STREET, NARRAGANSETT, RHODE ISLAND 02882

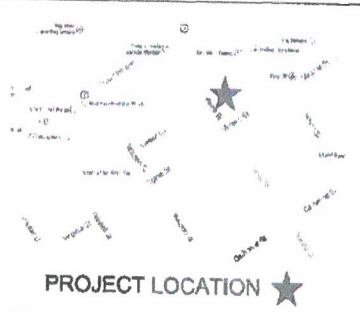
RESIDENTIAL RENOVATION

1019 VARELA STREET, KEY WEST, FLORIDA 33040

VARIANCE APPLICATION

MAY 1, 2014

Adh
8-1-14

<p>DESIGN TEAM</p> <p>ARCHITECT: k2m Design, Inc. Anthony D. Sarma, RA 1001 Whitehead Street, Suite 101 Key West, Florida 33040 305.292.7722</p>	<p>DRAWING INDEX</p> <p>GENERAL</p> <p>A0.1.1 COVER SHEET WITH DRAWING INDEX, CODE INFORMATION, LOCATION MAP, & SCOPE OF WORK</p> <p>ARCHITECTURAL</p> <p>AR1.0.1 SITE SURVEY - COPY AR1.1.1 EXISTING SITE PLAN AND EXTERIOR ELEVATION A1.1.1 SITE PLAN AR1.1 EXTERIOR ELEVATIONS</p> <p>LANDSCAPE</p> <p>L1.1.1 CONCEPT LANDSCAPE PLAN</p>	
<p>LOCATION MAP</p>  <p style="text-align: center;">PROJECT LOCATION ★</p>	<p>CODE INFORMATION</p> <p>APPLICABLE CODES 2010 FLORIDA BUILDING CODE RESIDENTIAL</p> <p>FEMA REQUIREMENTS FLOOD ZONE: X</p> <p>STRUCTURAL CERTIFICATION ALL NEW WORK DESIGNED TO MEET FLORIDA BUILDING CODE 2010 INCLUDING ASKS 1-18 WIND LOADS FOR 100 MPH, CATEGORY 1, EXPOSURE C, ENCLOSED STRUCTURE.</p>	<p>SCOPE OF WORK</p> <p>PROJECT SCOPE OF WORK CONSISTS OF RECONFIGURATION OF THE EXISTING EXTERIOR SPACE TO CREATE A MORE UNIFIED AND FUNCTIONAL OUTDOOR SPACE THAT COMPLEMENTS THE ADJACENT NEIGHBORHOOD AESTHETIC ALONG VARELA STREET.</p> <p>THIS VARIANCE SUBMISSION INCLUDES A SIDE YARD SETBACK VARIANCE TO CONSTRUCT AN IN-GROUND POOL WITH WATER FEATURE WALL, AND TO RE-UP THE EXISTING SITE CONDITIONS WITH A BLECH INCREASE TO THE PREVIOUS COVERAGE. THE EXISTING HOUSE IS CURRENTLY UNDERGOING RENOVATION WITH HARC APPROVED PERMIT PLANS AND WILL REMAIN UNCHANGED BY THIS APPLICATION. UPON APPROVAL OF THIS VARIANCE APPLICATION, THE PROJECT WILL PROCEED FOR HARC APPROVAL TO ADDRESS THE FACADE IMPROVEMENTS OF THE FRONT PORCH AND STREET SIDE PROPERTY WALL.</p>

RESIDENTIAL RENOVATION
1019 VARELA STREET
VARIANCE APPLICATION



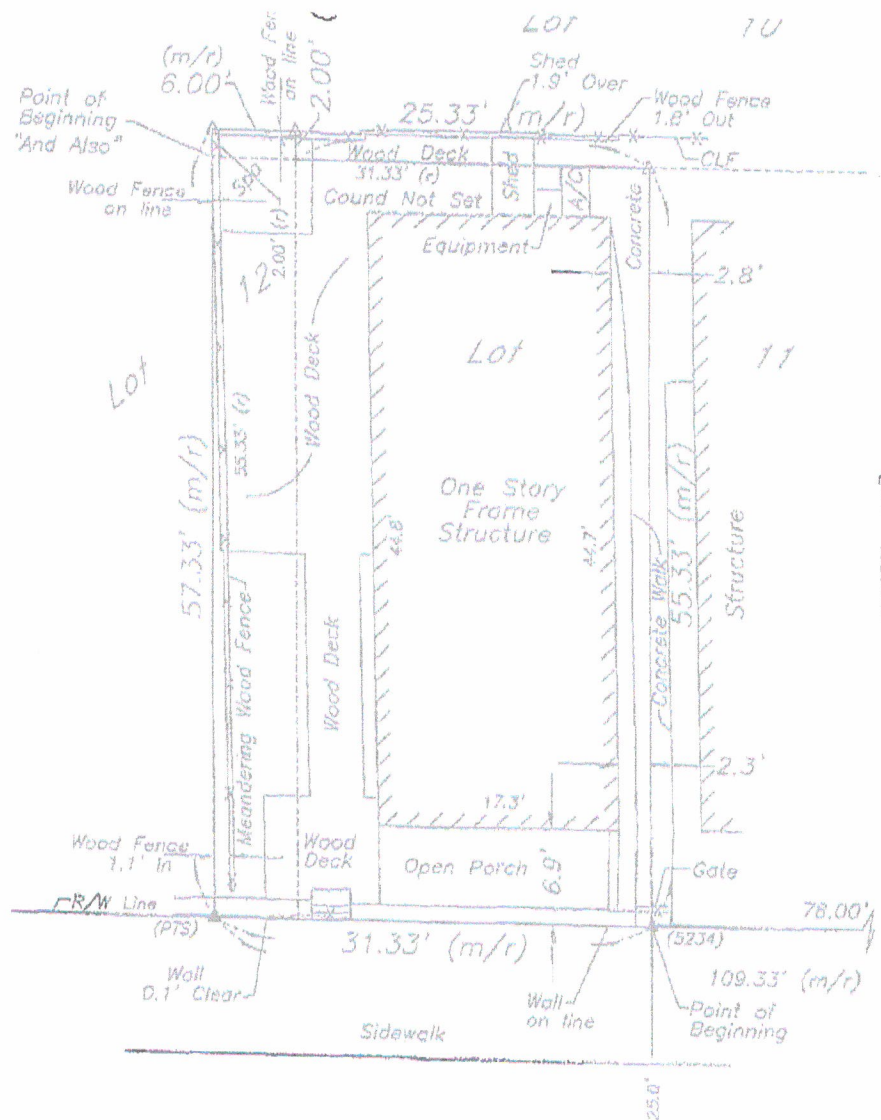
1001 Whitehead St., Suite 101, Key West, Florida 33040
Tel: 305-292-7722 | Fax: 305-292-2162
Email: info@k2mdesign.com
URL: www.k2mdesign.com
PRCF. REG. AR85308

SUBMISSIONS	Project No.: 13 007
	Phase: VARIANCE APPLICATION
COVER SHEET	
A0.1.1	
DATE: MAY 1, 2014	

©2014 by k2m Design, Inc.

luk *KJB*

PLOTTER: 6/11/2014 4:18 PM



LEGEND

- ▲ Found Nail & Hex (8234)(PTS)
- △ Set Nail & Elec (8298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- CLF Chain Link Fence
- n/w Right of Way
- E Centerline

NOTE:
 SURVEY COPY INCLUDED AS AN EXCERPT OF THE ORIGINAL, SCALED AND ORIENTED TO ALIGN WITH THE PROJECT DRAWINGS.

ARCHITECTS
K&M
 Architects, Interiors Design
 Planning
 General Remodeling
 Specialty Construction
 1011 Whitehead St. LIND 101
 Key West, Florida 33540
 Tel: 726-264-0111
 Fax: 826-292-9168
 Email: info@kandm.com
 URL: www.kandm.com
 CMAA #0000232001
 Building Subcontractors
 Based on Trust and Honesty
 "We are not just building buildings"

Revisions

No.	Description

KUTCHER LLC
 24 Cedar Street, Nantuxville, Florida 32902
RESIDENTIAL RENOVATION
 1011 Varela Street, Key West, Florida, 33540

PLOTTED BY: LKH/11/14/14/14

Drawing Date: 04/14/14	Project #: 12187
Drawn By: LKH	Checked By: ADK

Title: SITE SURVEY COPY

SITE SURVEY - COPY
 SCALE: 1/4"=1'-0"

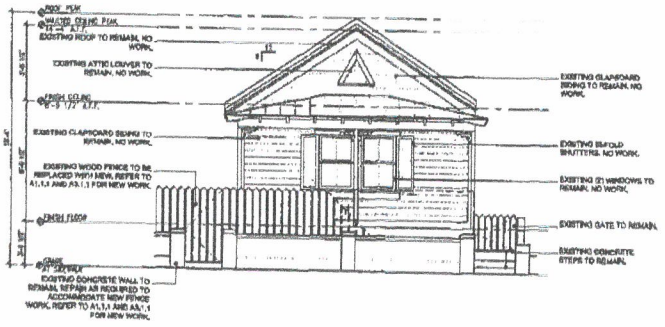
Varela St.

PWK
 KJB

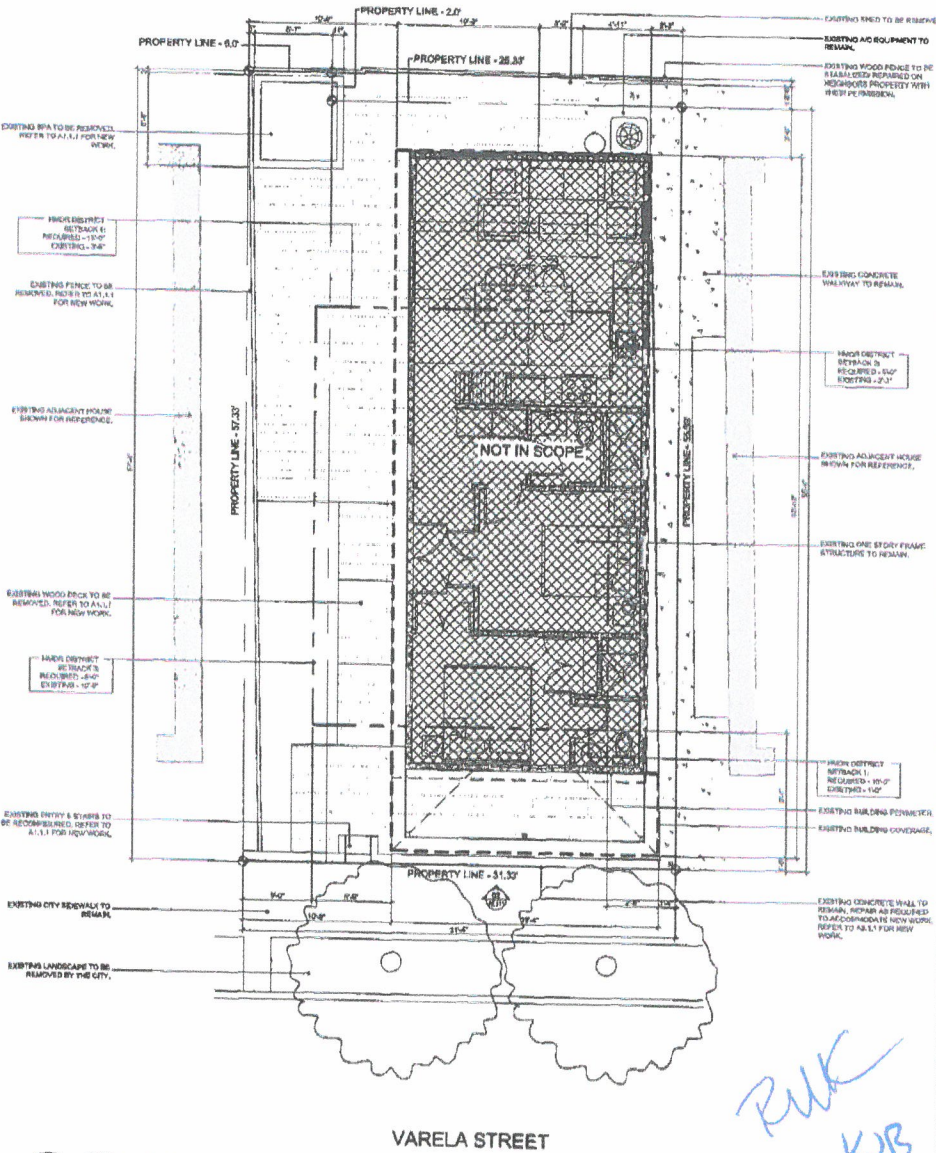
Sheet Number:
AE1.0.1
 Date: May 1, 2014
 ©2014 by K&M Design, Inc.

PROJECT STATISTICS:		
	CODE REQUIREMENT	EXISTING
ZONING	RM5B	
FLOOR AREA	8	
SITE OF AREA	17,49 SF	
HEIGHT	20'-0"	18'-0"
SETBACK 1 - FRONT	15'-0"	15'-0"
SETBACK 2 - RIGHT SIDE SETBACK	5'-0"	1'-0"
SETBACK 3 - LEFT SIDE SETBACK	5'-0"	15'-0"
SETBACK 4 - REAR SETBACK	10'-0"	3'-0"
FLOOR AREA RATIO	1.0	0.43
BUILDING COVERAGE	50% (8.75 SF)	66.9% (1,165 SF)
SUPERBASIC SURFACE	50% (1,248 SF)	56.7% (1,190.76 SF)

SITE PLAN LEGEND	
	EXISTING BUILDING COVERAGE
	EXISTING WOOD DECK
	EXISTING CONCRETE WALL



02 EXISTING STREET ELEVATION
SCALE: 1/4" = 1'-0"
GRAPHIC SCALE: 1/4" = 1'-0"



01 EXISTING SITE PLAN
SCALE: 1/4" = 1'-0"
GRAPHIC SCALE: 1/4" = 1'-0"

ARCHITECT:
K2M
ARCHITECTS, Interior Design, Programming, Design Representation, Specialty Drawings
1011 W. 8th Street, Suite 111
Fort Lauderdale, Florida 33304
Tel: 305-261-6011
Fax: 305-261-4189
Email: k2marchitect@k2marchitect.com
URL: www.k2marchitect.com
Building Resolutions Based on Trust and Needs Provided by the Professional Services







Notes:
1. See A1.1.1 and A1.1.2
2. See A1.1.1 and A1.1.2
3. See A1.1.1 and A1.1.2
4. See A1.1.1 and A1.1.2

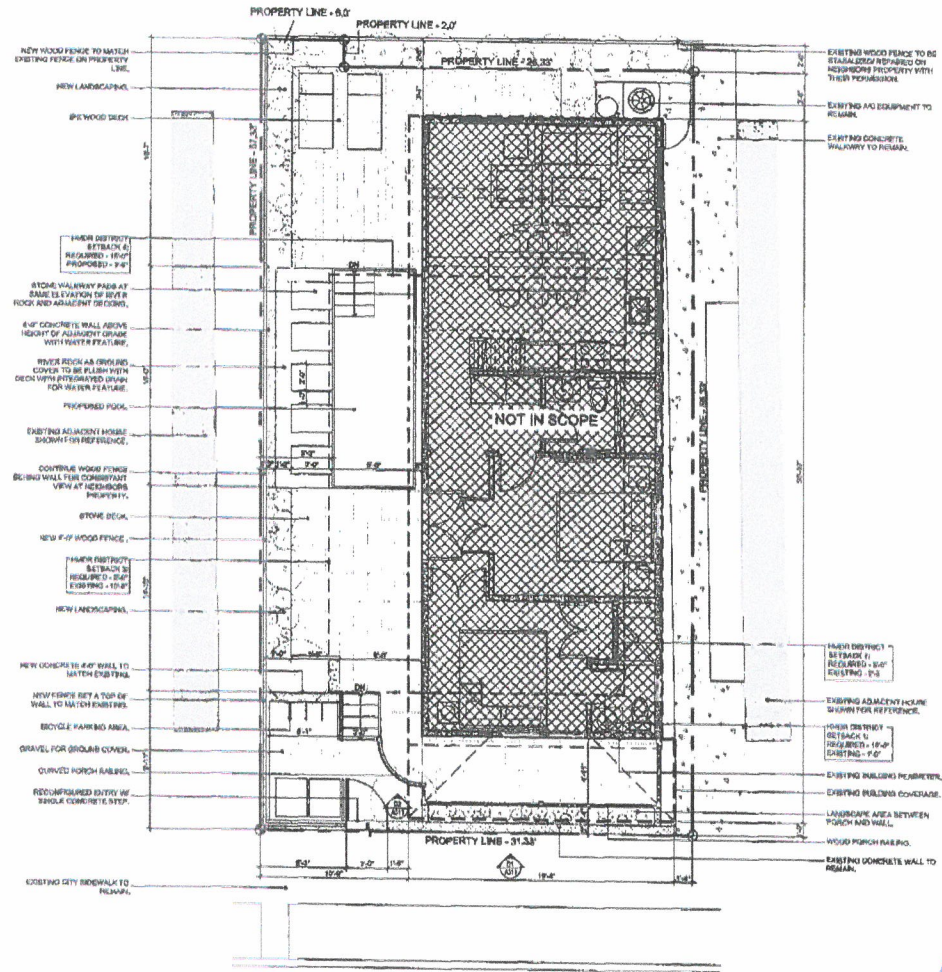
Revisions:
1. []
2. []
3. []
4. []
5. []

KUTCHER LLC
24 Cedar Street, Naurganmet, Rhode Island 02802
RESIDENTIAL RENOVATION
1019 Varela Street, Key West, Florida, 33040

PROJECT: 611-1041-1032 Rev
Drawing No: 1041-1032-02
Title: EXISTING SITE PLAN AND EXTERIOR ELEVATION
Drawn By: KMA
Checked By: ASB
Scale:
Sheet Number:
AE1.1.1
Date: May 1, 2014
©2014 by K2M Design, Inc.

PROJECT STATISTICS:				
	CODE REQUIREMENT	EXISTING	PROPOSED	VARIANCE REQUESTED
ZONING	R1E1R			
FLOOD ZONE	3			
SIZE OF SITE	1,708 SF			
HEIGHT	30'-0"	19'-0"	19'-0"	NO CHANGE
BETBACK 1: FRONT	10'-0"	7'-0"	7'-0"	NO CHANGE
BETBACK 2: RIGHT SIDE BETBACK	0'-0"	1'-4"	1'-4"	NO CHANGE
BETBACK 3: LEFT SIDE BETBACK	5'-0"	12'-4"	12'-4"	NO CHANGE
BETBACK 4: REAR BETBACK	15'-0"	7'-0"	7'-0"	NO CHANGE
FLOOR AREA RATIO	1.0	54%	54%	NO CHANGE
BUILDING COVERAGE	80% (139 SF)	53.5% (904.5 SF)	55.9% (954.5 SF)	NO CHANGE
IMPROVED SURFACE	80% (1,394 SF)	54.7% (935.76 SF)	57.3% (980 SF)	VARIOUS SF 16.2%

SITE PLAN LEGEND	
	BUILDING COVERAGE
	PIE WOOD DECK
	EXISTING CONCRETE WALK
	STONE DECK
	GRAVEL
	RIVER ROCK



01 SITE PLAN
A1.1.1

SITE PLAN

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

0 4 8 12
GRAPHIC SCALE: 1/4" = 1'-0"

ARCHITECT
K&M DESIGN
Architects, Interior Design,
Practitioner,
Owner Representative,
Turnkey Contracting
1001 Waterfront Dr., Line 141
Key West, Florida 33004
Tel: 305-284-6111
Fax: 305-284-1180
Email: kinfo@kandm.com
URL: www.kandm.com
LEED, WELL, USGBC
Building Collaborator
Based on Trust and Results
Practice Areas: Hospitality, Healthcare

Scale
A1.1.1
Date: May 1, 2014

Architects

KUTCHER LLC
24 Cedar Street, Management, Rhode Island 02882
RESIDENTIAL RENOVATION
1019 Varela Street, Key West, Florida, 33040

PROJECT: 1019 VARELA ST.
Drawing Date: 05/01/14
Drawing No: 01.1.1
Drawn By: KJB
Checked By: KJB

DATE: May 1, 2014
SCALE: 1/4" = 1'-0"
A1.1.1
SHEET NO. 12

Handwritten: Rule KJB

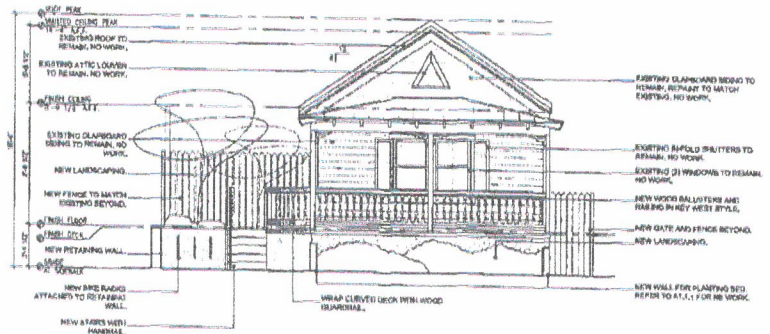
AKC
4/14

Revisions:

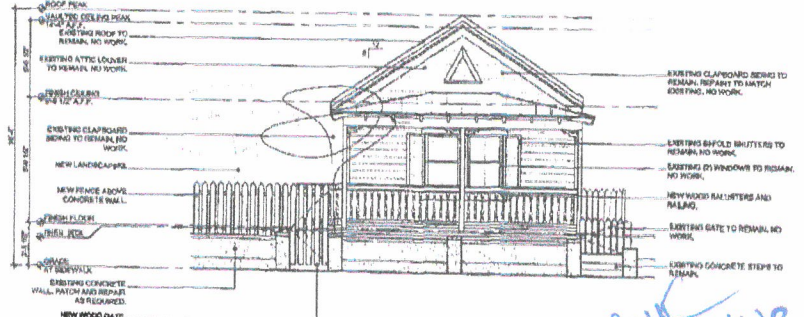
KUTCHER LLC
 24 Cedar Street, Nanganassment, Florida Island 32822
RESIDENTIAL RENOVATION
 1019 Vesta Street, Key West, Florida, 33090

PLOTTED BY: [Signature]	
DRAWING DATE: 1/14/14	PROJECT NO: 2014-001
DRAWN BY: [Signature]	CHECKED BY: [Signature]
TITLE: [Signature]	

Sheet Number:
A3.1.1
 Date: May 1, 2014
 2004 by K2M Design, Inc.



02
 A3.1.1
WEST ELEVATION
 SCALE: 1/4" = 1'-0"



01
 A3.1.1
WEST ELEVATION - STREET VIEW
 SCALE: 1/4" = 1'-0"

AKC *KJB*
 GRAPHIC SCALE: 1/4" = 1'-0"

