

RESOLUTION NO. 2026-

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD DENYING A REQUEST FOR AN AFTER-THE-FACT VARIANCE FROM THE MINIMUM SIDE YARD SETBACK, MINIMUM STREET SIDE SETBACK, MINIMUM REAR YARD SETBACK, AND MINIMUM FRONT YARD SETBACK REQUIREMENTS TO ALLOW TWO ELEVATED DECKS AND THE REPLACEMENT OF TWO FRONT PORCH ROOFS AT AN EXISTING MULTIFAMILY RESIDENTIAL PROPERTY LOCATED IN THE MEDIUM DENSITY RESIDENTIAL (MDR) ZONING DISTRICT, PURSUANT TO SECTIONS 90-395 AND 122-270 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, the subject property is located at 1224 2nd Street in the Medium Density Residential Zoning district; and

WHEREAS, the request is to approve two elevated decks and the replacement of two front porch roofs; and

WHEREAS, the property owner requests an after-the-fact variance to the minimum required front yard setback from 30' required to 13' 9" proposed, the south side (street side) setback from 25' required to 10' 2" proposed, the north side setback from 25' required to 9' 10" proposed, and the rear yard setback from 25' required to 20' 9" proposed; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on May 21, 2026; and

WHEREAS, Chapter 90 (Administration), Article V, Division 3 (Variances) establishes specific criteria needed to support a request for variance relief; and

WHEREAS, the Key West Planning Board (the “Board”) finds that the applicant has failed to meet the required criteria needed to support the requested variance pursuant to Chapter 90, Article V, Division 3; and

WHEREAS, the applicant failed to establish that: (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. (2) Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant. (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. (4) Hardship conditions exist. 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. (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. (6) Not injurious to the public welfare. That the grant 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. (7) Existing nonconforming uses of other property not 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; and

WHEREAS, the Board finds that the applicant has **FAILED** to satisfy the conditions of Section 90-395 of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) and likewise failed to meet the requirements established by Code Section 90-274; and

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 City of Key West Planning Board hereby **DENIES** by Resolution a request for an after-the-fact variance from the minimum side yard setback, minimum street side setback, minimum rear yard setback, and minimum front yard setback requirements to allow two elevated decks and the replacement of two front porch roofs at an existing multifamily residential property located in the Medium Density Residential (MDR) zoning district, pursuant to Sections 90-395 and 122-270 of the Code of Ordinances of the City of Key West, Florida.

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 Board.

Section 4. This Resolution is subject only to the appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). Because the permit or development order has been denied, no development order will be rendered to the Florida

Department of Commerce pursuant to Chapter 73C-44, Florida Administrative Code, and the forty-five (45) day state review period does not apply.

Read and passed at a regularly scheduled meeting held this 21st day of May, 2026.

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

Peter Batty, Planning Board Chair

Date

Attest:

Taylor Brown, City Planner

Date

Filed with the Clerk:

Keri O'Brien, City Clerk

Date

_____ Chairman
_____ City Planner