

RESOLUTION NO. _____

VARIANCE: 1801 NORTH ROOSEVELT BLVD
RE #00072080-000000 & 00072080-000200

A RESOLUTION OF THE KEY WEST BOARD OF ADJUSTMENT APPROVING A NON-HABITABLE SPACE VARIANCE TO BUILDING HEIGHT REGULATIONS FOR PROPERTY IN THE PS, PUBLIC AND SEMI-PUBLIC SERVICE ZONING DISTRICT, UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR PROPERTY LOCATED AT 1801 NORTH ROOSEVELT BLVD (RE #00072080-000000 & 00072080-0002000) REGARDING THE CONSTRUCTION OF A PROPOSED DOCKMASTER STRUCTURE AT THE CITY MARINA AT GARRISON BIGHT

WHEREAS, the Key West Board of Adjustment (the "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 lands, structures or buildings in the same district; and

WHEREAS, the Board finds that granting the variance requested would not confer upon the applicant 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 or undue hardship on the applicant; and

WHEREAS, the Board finds that the variance requested is the minimum variance that would make possible the reasonable use of the land, building or structure; and

WHEREAS, the Board finds that the grant of the variance would be in harmony with the general intent and purpose of the land development regulations and that such variance would not be injurious to the area involved and otherwise detrimental to the public interest or welfare; and

WHEREAS, the Board finds that the applicant cannot make reasonable use of the land, building or structure without the grant of the instant variance; and

WHEREAS, the Board of Adjustment finds that the applicant has satisfied the conditions of Key West Code of Ordinances section 90-395 and likewise met the requirements established by Code section 90-274.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the City of Key West, Florida:

Section 1: That a non-habitable space variance to building height regulations from the 25-foot maximum building height allowed in the PS, public service zoning district, under the Code of Ordinances of the City of Key West, Florida section 122-1020(3) to the proposed 31 feet maximum building height is hereby approved.

Section 2: That this approval is conditioned upon the City receiving a lease hold for the property the building will occupy.

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.

Passed and adopted by the Board of Adjustment at a meeting held this _____ day of _____, 2013.

Authenticated by the Presiding Officer and Clerk of the Board on _____ day of _____, 2013.

Filed with the Clerk on _____, 2013.

Chairman Craig Cates	_____
Commissioner Teri Johnston	_____
Commissioner Clayton Lopez	_____
Commissioner Mark Rossi	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____
Commissioner Tony Yaniz	_____

CRAIG CATES, CHAIRMAN
BOARD OF ADJUSTMENT

ATTEST:

CHERYL SMITH, CITY CLERK