

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



To: Chairman, and Planning Board Members

Through: Katie Halloran, Planning Director

From: Nicholas Perez-Alvarez, AICP, Stantec

Meeting Date: April 18, 2024

Agenda Items: **Variance – 3509 Eagle Avenue (RE# 00053250-000000)** – A request for a variance on maximum building coverage for addition of a carport to an existing single-family home for property located within the Single Family (SF) Zoning District pursuant to Sections 90-395 and 122-238 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: A request for a variance to the maximum building coverage requirements to allow for addition of a carport to an existing single-family home.

Applicant: Carlos Rojas

Property Owner: Faber Joseph Revocable Trust

Location: 3509 Eagle Ave, Key West, Florida
(RE # 00053250-000000)

Background:



The subject property is a one-story single-family residence with a total lot size of 7,920 sq. ft., and is situated in the SF, Single Family Zoning District. According to the Monroe County Property Appraiser (MCPAO), the existing house was originally built in 1958 and the property last changed ownership in August of 2022.

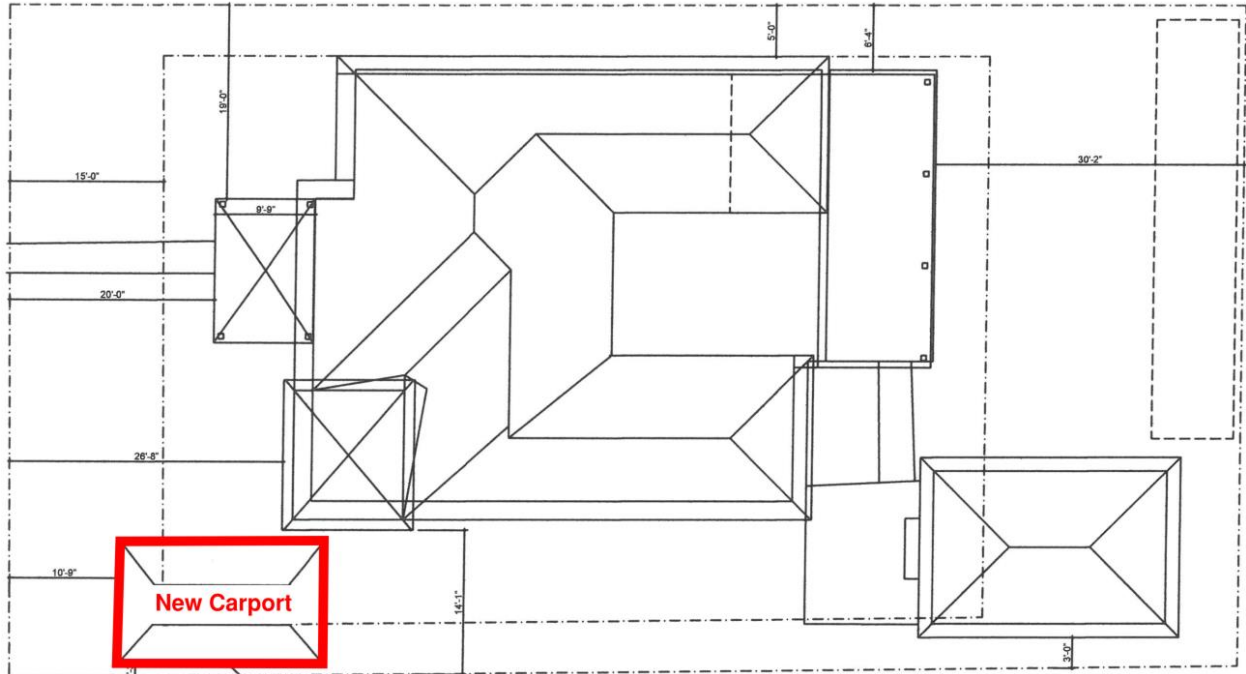
The applicant is seeking a variance to the maximum building coverage to allow for the addition of a 240 sq. ft. detached carport. The SF zoning district allows a maximum building coverage of 35%. The property has an existing building coverage of 34.5% and the applicant is proposing a new total building coverage of 37.7%, which is 2.7% greater than allowed in the SF district.

The following site data table was created by Planning staff. Note that the existing building coverage includes a combined 584 sq. ft. in front and rear additions that the applicant has separately permitted. To-date, the proposed rear addition has been constructed and the front addition is currently under construction. The site plan and existing figures below reflect these additions that have already been permitted by the City.

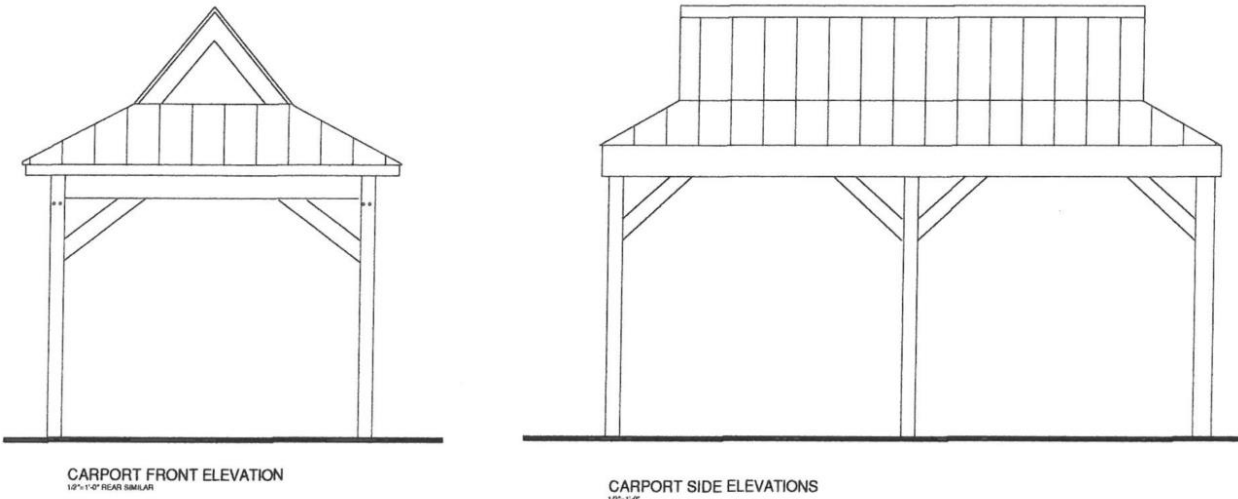
	Required		Existing		Proposed		Variance needed
Max. Density	8 du/ac	1.45	1 unit		1 unit		no
Max. FAR	N/A						
Max. Height	25' plus an additional five feet for nonhabitable purposes if the structure has a pitched roof.		12'		16' 8"		no
Max. bldg coverage	35%	2,772.00	34.6%	2,742.00	37.7%	2,982.00	yes
Max. ISR	50%	3,960.00	46.7%	3,698.00	46.7%	3,698.00	no
Min. Open Space	35%	2,772.00	43.9%	3,480.00	44.9%	3,558.00	no
Front setback	30 feet or the average depth of front yards on developed lots within 100 feet each side, but not less than 20 feet.		27.8'		House: 20' Carport: 10' 9"*		no
Rear setback	25'		House: 30' 2" Shed: approx.4'		House: 30' 2" Shed: approx. 4'		no
East Side Setback	5'		House: 14' 1" Shed: 3'		House: 14' 1" Carport: 1' 3"*		no
West Side Setback	5'		5'		5'		no

*Sec. 122-1182 - Carports: An open carport may be erected adjacent to interior lot lines within one foot of the front and side property lines. Rooftop runoff shall be contained on the subject site.

The site plan is shown below with the proposed new carport outlined in red:



Proposed site plan



Proposed carport elevations

The application was sent to the Development Review Committee (DRC) members for comment on March 12, 2024. The following comment was provided:

Utilities:

- Please request the applicant to install a gutter along the property side of the carport and direct the downspout(s) back onto the property.

Staff Analysis -Variance Criteria Evaluation:

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. 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.*
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 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.*
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.*

Staff has not found the application to be in reasonable compliance with the variance criteria contained within Section 90-395. In 2023, the applicant separately applied for, and has since secured permits for, a combined 584 sq. ft. in front and rear additions to the home, bringing the property within 0.4% of the maximum building coverage. In this instance, the property meeting its maximum building coverage is a condition that was created by the applicant with these recent additions. Staff does not find the applicant's inability to further increase the building coverage with a new 240 sq. ft. carport to be a hardship. Granting the variance requested would confer upon the applicant a special privilege denied by the land development regulations to other properties in the SF zoning district.

The variance criteria also specifies that only the minimum variance necessary should be granted. In this instance, the proposed 12' by 20' carport is the minimum structure size needed to shelter one vehicle. However, the reasonable use of land is already reflected by the existing residence and recently permitted building additions.

No permitted use of lands, structures, or buildings in other districts were considered by staff as grounds for the issuance of the variance.

The Planning Board shall make factual findings regarding the following:

That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.

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. At this time, staff has not been advised as to the applicant's efforts to coordinate with neighbors.

The standards established by Section 90-395 of the City Code **have not been fully met** by the applicant for the requested variance on building coverage.

RECOMMENDATION:

The Planning Department recommends **denial**; if the Planning Boards elects to approve the variance staff recommends the following conditions.

1. The proposed construction shall be consistent with the plans prepared by Carlos O. Rojas, Jr. dated December 6, 2022.
2. Applicant shall install a gutter along the property side of the carport and direct the downspout(s) back onto the property.