

**THE CITY OF KEY WEST  
PLANNING BOARD**

**Staff Report**

**To:** Chairman and Planning Board Members

**Through:** Jim Singelyn, Acting Planning Director

**From:** Ben Gagnon, Planner II

**Meeting Date:** September 18<sup>th</sup>, 2025

**Application:** **Variance – 309 William Street (RE# 00003170-000000)** – Applicant requests a variance to the maximum building coverage from the required 40% to the proposed 52%, minimum front yard setback from the required 10 feet to the proposed 8 feet, minimum rear yard setback from the required 15 feet to the proposed 5 feet, and minimum street side setback from the required 7 feet 6 inches to the proposed 5 feet to demolish and reconstruct an existing residential property located in the Historic Medium Density Residential Zoning District (HMDR) pursuant to sections 90-395 and 122-600 of the Code of Ordinances of the City of Key West, Florida.

**Request:** The applicant proposes to demolish the existing residential structure and replace it with a newly constructed single-family home.

**Applicant:** Richard McChesney, Esq.

**Property Owner:** Schmitz Craig A Trust

**Zoning:** Historic Medium Density Residential (HMDR)



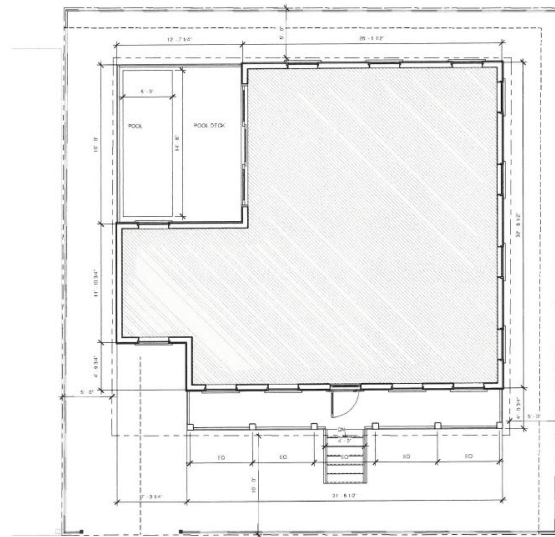
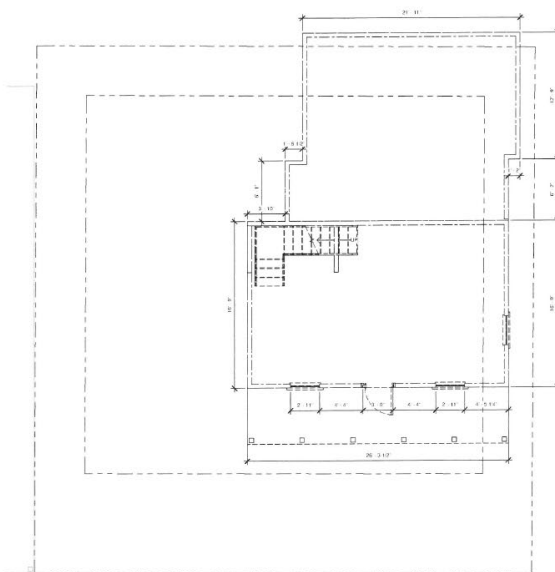
## Background & Request

The subject property is a 2,650 square-foot parcel located at 309 William Street, within the Historic Medium Density Residential (HMDR) Zoning District. The site is currently developed with a one and a half-story single-family residence. The applicant is requesting a variance to demolish the aging home, and replace it with a larger single-family home. The new home will include two finished floors and be raised to meet flood requirements.

## SITE DATA

	Permitted	Existing	Proposed	Variance?
<b>Lot Size</b>	4,000 sq. ft.	2,650 sq. ft.	No Change	
<b>Building Coverage</b>	40%	1,009 (38%)	1,368.5 (52%)	Yes
<b>Impervious Surface</b>	60%	1,069.06 (40%)	301 (11%)	No
<b>Open Space</b>	35%	1,585.94 (60%)	985.50 (37%)	No
<b>Height</b>	30'	16' 3.25"	24' 10"	No
<b>SETBACKS</b>				
<b>Front Setback</b>	10'	12' 10.25"	10'	No
<b>Side Setback</b>	5'	6' 8"	5'	No
<b>Side Setback (Street)</b>	7' 6"	2' 2.75"	5'	Yes (2'6")
<b>Rear Setback</b>	15'	-1' 6" over	5'	Yes (10')

## Existing / Proposed Site Plan



**Process:**

Planning Board Meeting:	September 18, 2025
Local Appeal Period:	10 Days
Planning renders to DOC for review:	Up to 45 days

**Staff 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.*

There are no special circumstances which exist that 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.

**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.*

There are no special conditions or circumstances that exist.

**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.*

Granting the variance would confer on the applicant the ability to increase building coverage and encroach into the rear and side setbacks which is not permitted for other properties in the same zoning district.

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

Literal interpretation of the provisions of the land development regulations would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. All properties in the zoning district are subject to the same site requirements.

**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 variance requested is not the minimum variance that will make possible the reasonable use of the land, building or structure. The structure currently functions as a dwelling.

#### **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 is not likely to be injurious to the area involved or otherwise detrimental to the public interest.

#### **IN COMPLIANCE**

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.*

Existing nonconforming uses of other properties are not the basis of this 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:**

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

Staff has found that the standards established by Section 90-395 of the City Code have not been met by the applicant.

2. *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.*

As of September 10<sup>th</sup>, staff have received no letters of objection or support for the project.

#### **Recommendation:**

The variance request to the maximum building coverage from the required 40% to the proposed 52%, minimum front yard setback from the required 10 feet to the proposed 8 feet, minimum rear yard setback from the required 15 feet to the proposed 5 feet, and minimum street side setback from the required 7 feet 6 inches to the proposed 5 feet for the property located at 309 William Street does not meet all the criteria stated in Section 90-395. Therefore, the Planning Department recommends that the request for a variance be **DENIED**.

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

**General Conditions:**

1. The proposed work shall be consistent with the attached signed and sealed plans on June 5, 2025 by Erica Poole.