

RESOLUTION NO. 00-136

VARIANCE: 907 FRANCES STREET

A RESOLUTION OF THE KEY WEST BOARD OF ADJUSTMENT GRANTING A VARIANCE TO THE BUILDING SETBACK AND HABITABLE SPACE REGULATIONS FOR PROPERTY IN THE HHDR, HISTORIC HIGH DENSITY RESIDENTIAL ZONING DISTRICT, UNDER THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA, PERMITTING VARIANCES TO: SECTION 2-7.3, ARTICLE VII OF THE LDRs, TO ALLOW HABITABLE SPACE TO BE ACCESSIBLE FROM OTHER THAN "THE INTERIOR OF EXTERIOR WALLS," OR OTHER THAN DIRECTLY ACCESSIBLE FROM INSIDE A CONTIGUOUS STRUCTURE, FOR THE EXISTING GARAGE; TO THE REAR YARD BUILDING SETBACK REQUIREMENTS OF 20 FEET, FROM THE 20 FEET REQUIRED TO THE 0 FEET PROPOSED AND EXISTING FOR THE CURRENT GARAGE, ITS PROPOSED EXPANSION, AND THE PROPOSED EXPANDED EASTERN CONNECTION; AND TO THE SIDE YARD BUILDING SETBACK REQUIREMENTS OF .3.25 FEET, FROM THE 5 FEET REQUIRED TO THE 1.75 PROPOSED AND EXISTING, FOR THE CURRENT GARAGE. THE PURPOSE OF THE REQUEST IS TO ALLOW THE CONVERSION OF AN EXISTING 171 SQUARE FOOT GARAGE ON THE NORTH SIDE OF THE LOT INTO A STUDIO, TO EXPAND THAT STRUCTURE BY 11.5 FEET ALONG THE EASTERN SIDE OF THE BUILDING, AND TO EXPAND BY 35.75 SQUARE FEET THE CONNECTION TO THE EASTERN WING OF THE STRUCTURE FOR PROPERTY LOCATED AT 907 FRANCES STREET (RE# 21700).

REAL ESTATE PARCEL #21700, ALSO KNOWN AS 907 FRANCES STREET, KEY WEST, MONROE COUNTY, FLORIDA

WHEREAS, special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings or structures in the subject district; and

WHEREAS, literal interpretation of the provisions of the Zoning Ordinance of the City of Key West would deprive the owner of the subject property of rights commonly enjoyed by other properties in the same district under the terms of the Land Development Regulations.

WHEREAS, the special conditions and circumstances do not result from the actions of the applicant.

WHEREAS, the granting of the variance requested will not confer on the applicant any special privilege that is denied by the ordinance to other land, structures or buildings in the same district.

WHEREAS, the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

WHEREAS, the granting of the variance will be in harmony with the general purpose and intent of the Land Development Regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; now therefore,

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

Section 1. That a variance to building setback regulations and habitable space regulations in the HHDR, Historic High Density Residential Zoning District, under the Land Development Regulations of the City of Key West, Florida, is hereby granted as follows: SECTION 2-7.3, ARTICLE VII OF THE LDRs, TO ALLOW HABITABLE SPACE TO BE ACCESSIBLE FROM OTHER THAN "THE INTERIOR OF EXTERIOR WALLS," OR OTHER THAN DIRECTLY ACCESSIBLE FROM INSIDE A CONTIGUOUS STRUCTURE, FOR THE EXISTING GARAGE; TO THE REAR YARD BUILDING SETBACK REQUIREMENTS OF 20 FEET, FROM THE 20 FEET REQUIRED TO THE 0 FEET PROPOSED AND EXISTING FOR THE CURRENT GARAGE, ITS PROPOSED EXPANSION, AND THE PROPOSED EXPANDED EASTERN CONNECTION; AND TO THE SIDE YARD BUILDING SETBACK REQUIREMENTS OF 3.25 FEET, FROM THE 5 FEET REQUIRED TO THE 1.75 PROPOSED AND EXISTING, FOR THE CURRENT GARAGE. THE PURPOSE OF THE REQUEST IS TO ALLOW THE CONVERSION OF AN EXISTING 171 SQUARE FOOT GARAGE ON THE NORTH SIDE OF THE LOT INTO A STUDIO, TO EXPAND THAT STRUCTURE BY 11.5 FEET ALONG THE EASTERN SIDE OF THE BUILDING, AND TO EXPAND BY 35.75 SQUARE FEET THE CONNECTION TO THE EASTERN WING OF THE STRUCTURE FOR PROPERTY LOCATED AT 907 FRANCES STREET (RE# 21700).

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Section 2. It is an essential condition of this variance that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this variance is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this variance, shall be submitted in its entirety within 12 months after the date hereof. It is an essential condition of this variance that no application or reapplication for new construction for which the variance is wholly or partly necessary shall be made after expiration of said 12-month period.

Section 3. Failure to submit full and complete application for permits for new construction for which this variance is wholly or partly necessary, or failure to complete new construction for use and occupancy pursuant to this variance in accordance with the terms of a City building permit issued upon timely application as described in Section 2 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

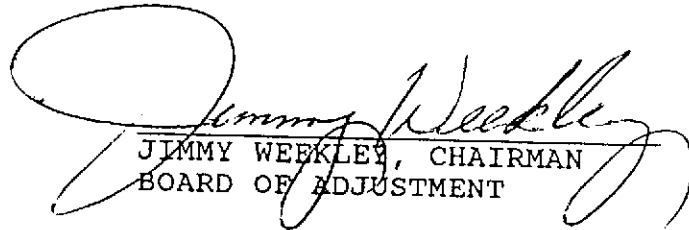
Section 4. This variance does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 5. 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.


Read and passed on first reading at a regular meeting held this 5th day of April, 2000.

Authenticated by the presiding officer and Clerk of the Board on 6th day of April, 2000.

Filed with the Clerk on April 6, 2000.


JIMMY WEEKLEY, CHAIRMAN
BOARD OF ADJUSTMENT

ATTEST:


CHERYL SMITH, CITY CLERK