



**THE CITY OF KEY WEST
PLANNING BOARD**

Staff Report

To: Chairman and Planning Board Members

Through: Jim Singelyn, Acting Planning Director

From: Sheetal Almas, Planner I

Meeting Date: November 20, 2025

Application: **Variance – 417 Simonton Street (RE# 00006240-000000)** – Applicant requests variance to reduce the rear yard setback, north side setback and south side setback to demolish and reconstruct an addition at an existing residential property located in the Historic Neighborhood Commercial-1 (HNC-1) Zoning District, pursuant to Sections 90-395, 122-32, and 122-806 through 122-835 of the Code of Ordinances of the City of Key West, Florida.

Request: The applicant seeks relief from the required rear setbacks, north side setbacks, and south side setbacks to allow the demolition of an existing legally nonconforming second residential dwelling unit located at the rear of the property, and to allow the reconstruction of a one and a half story structure.

Applicant: Spottswood, Spottswood & Sterling, PLLC

Property Owner: 417 Simonton Street LLC

Zoning: Historic Neighborhood Commercial (HNC-1)



Background & Request

Background & Request

The subject property is a 4,422-square-foot parcel located at 417 Simonton Street, within the Historic Neighborhood Commercial-1 (HNC-1) Zoning District. The site is currently developed with a primary residential structure at the front and a legally nonconforming detached 579 square foot secondary dwelling unit located at the rear of the property which encroaches onto the neighboring lot and passes beyond the property line with zero rear and side setbacks, rendering it noncompliant with the required dimensional standards of the current Land Development Regulations.

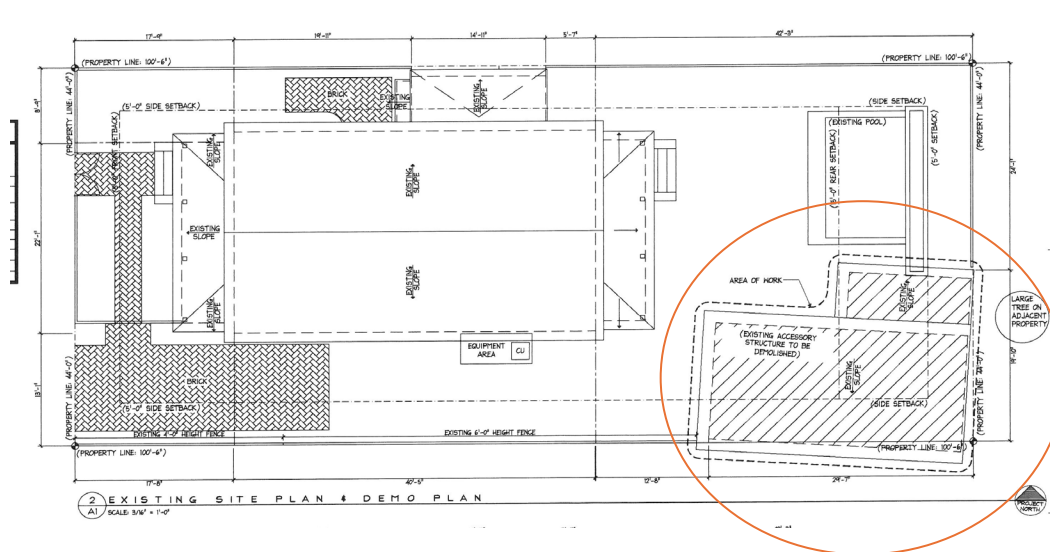
The applicant proposes to demolish the existing 579 square foot rear dwelling unit and reconstruct a smaller one and a half-story structure of 415 square feet, positioned to remain within the property boundaries. The proposed design intends to improve site conditions by eliminating the encroachment and improving the nonconforming setbacks. To achieve this, the applicant seeks variances from the required rear setbacks, north side setbacks, and south side setbacks. The lot is standard in area and width for the district, but the existing configuration of the structures limits the ability to meet current setback requirements without variance relief.

SITE DATA

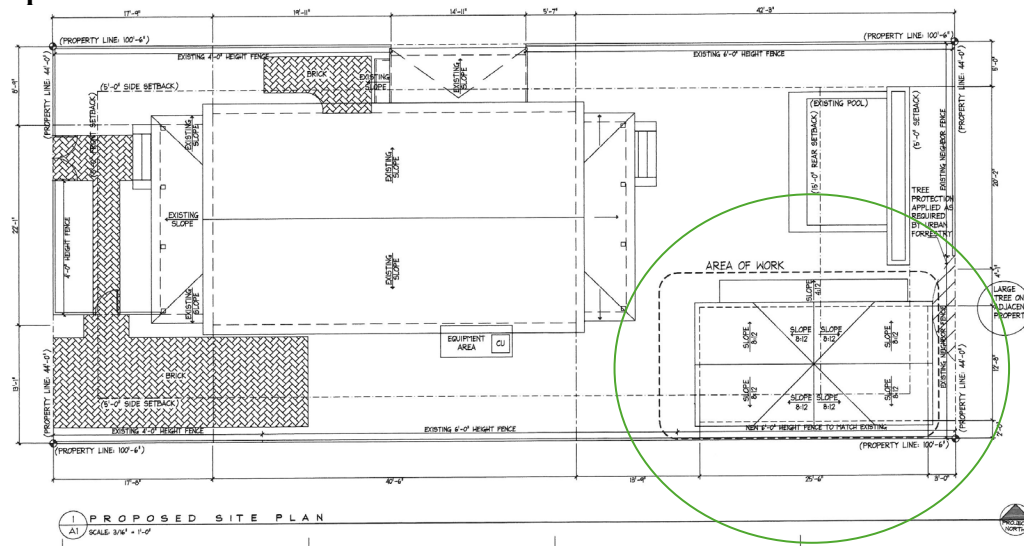
	Permitted	Existing	Proposed	Variance?
Lot Size	4000	4,422		
Building Coverage	2,211sq. ft	2,023 sq. ft	1859 sq. ft	No
Impervious Surface	2,653 sq. ft	2,610 sq. ft	2,446 sq. ft	No
Open Space	1,548 sq. ft	1,812 sq. ft	1,976 sq. ft	No
Height	35'	34' 7"	No change	No
SETBACKS				
Front Setback	5"	10' 11"	No Change	No
Side Setback (North)	5"	0' 6"	0' 6"	Yes
Side Setback (South)	5"	0'	1' 6"	Yes
Rear Setback (East)	15'	0'	2' 6"	Yes

Existing / Proposed Site Plan

Existing Site Plan



Proposed Site Plan



Process:

Planning Board Meeting:
Local Appeal Period:
Planning renders to DOC for review:

November 20, 2025
10 Days
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.*

Special conditions exist as the existing structure is built over the property line and encroaching onto the neighboring lot. This combination of the existing development pattern and historic building placement represents a condition not generally applicable to parcels within the HNC-1 district.

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.*

The rear dwelling unit proposed for demolition and reconstruction was built in the 1940s before the current local code and before the applicant purchased the property.

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.*

The requested variance does not confer a special privilege upon the applicant. The applicant proposes to demolish a legally nonconformity encroaching rear structure that currently sits at zero rear and side setbacks and extends over the property line, encroaching onto the adjoining property. The proposed reconstruction will remain nonconforming; however, it will reduce the degree of encroachment, thereby improving compliance with current setback requirements.

In accordance with Section 122-32(a), a noncomplying building or structure may be altered without the need for a variance if the alteration decreases respective noncompliance. Although the proposed reconstruction does not fully meet the required setbacks, it reduces the existing noncompliance and does not grant any development rights or advantages beyond what is permitted under current regulations. The request serves to bring the property closer to compliance rather than to intensify or expand the existing use.

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.*

This property has a 2-story primary residence in the front and a 1-story second residential unit in the rear on a 4,442 square foot lot. Given the existing site layout, full compliance with current setback requirements would cause the applicant hardship as the parcel does not provide sufficient space to meet the required rear and side setbacks while preserving the same residential function. If the requested variances were denied, the applicant may choose to retain the existing nonconforming structure rather than pursue improvements that would decrease the degree of noncompliance. *(Pursuant to Secs. 90-395(4) and 122-32(a) of the Land Development Regulations.)*

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 the minimum granted, as they are not expanding or increasing any setbacks.

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 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 October 30, 2025, staff have received no letters of objection and no letters of support for the item.

Recommendation:

The variance request to the minimum required rear yard setback for the property located at 417 Simonton Street meets all the criteria stated in Section 90-395. Therefore, the Planning Department recommends that the request for a variance be **approved**.

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 October 30th, 2025 by Haven Burkee- Rogers.