

The City of Key West
Planning Board
Staff Report

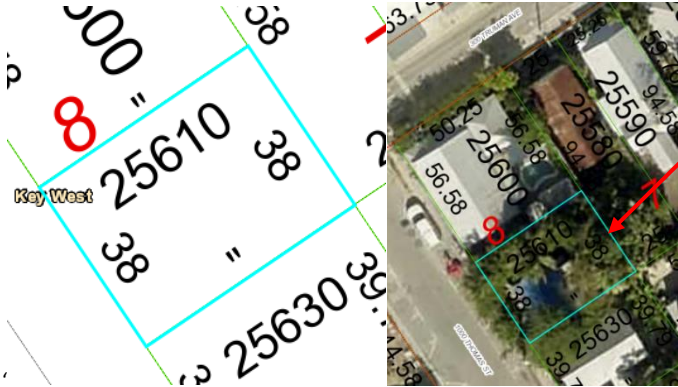


To: Chair and Planning Board Members
From: Melissa Paul-Leto, Planner I
Through: Katie P. Halloran, Planning Director
Meeting Date: May 21, 2020

Agenda Item: **Variance – 1007 Thomas Street – (RE# 00025610-000000)** – A request for variances to the minimum side yard setback, minimum rear yard setback, and minimum open space requirement in order to construct a rear addition to the existing house, install mechanical equipment, a deck, a pool, and provide (1) one off-street parking space on property located within the Historic Medium Density Residential (HMDR) Zoning District pursuant to Sections 90-395, 122-600 (6)b, 122-600 (6)c, and 108-346 (b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: The applicant is requesting to demolish the front porch enclosure, the non-historic rear addition, the roof overhang to the rear of the property, and the wood stairs in the front yard. The proposed design is to construct a new rear addition, a rear deck, a pool, install mechanical equipment, and provide (1) one off-street parking space.

Applicant: Serge Mashtakov, P.E. Artibus Design
Property Owner: Stephanie Nadeau
Location: 1007 Thomas Street – (RE# 00025610-000000)
Zoning: Historic Medium Residential (HMDR) Zoning District



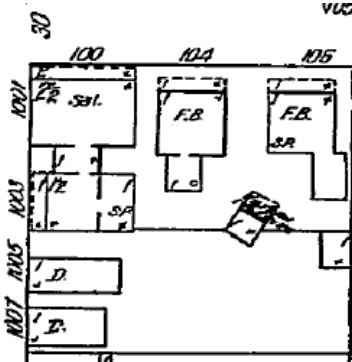
1007 Thomas Street (subject property)

Background/Request:

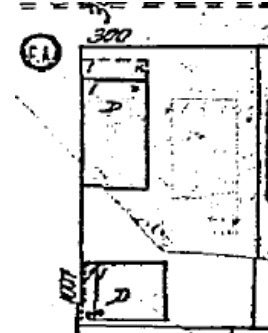
The property at 1007 Thomas Street is located within the Historic Medium Density Residential (HMDR) Zoning District and is one lot of record. The existing two-story structure is listed as non-contributing, built circa 1918.



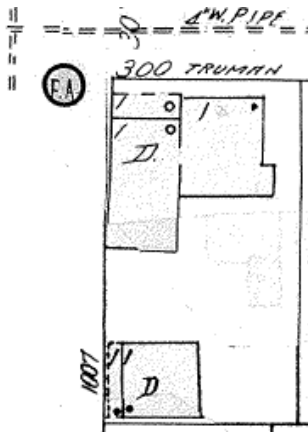
1965 photo from the Monroe County Library



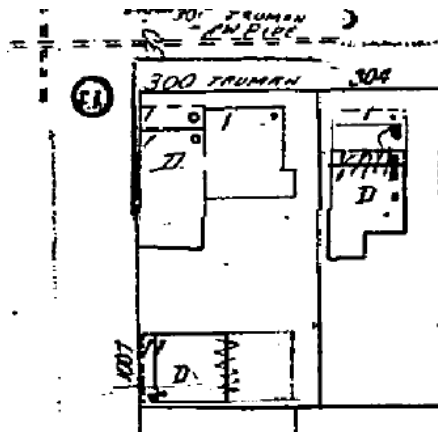
1912 Sanborn Map



1948 Sanborn Map



1961 Sanborn Map



1962 Sanborn Map



2019 Boundary Survey

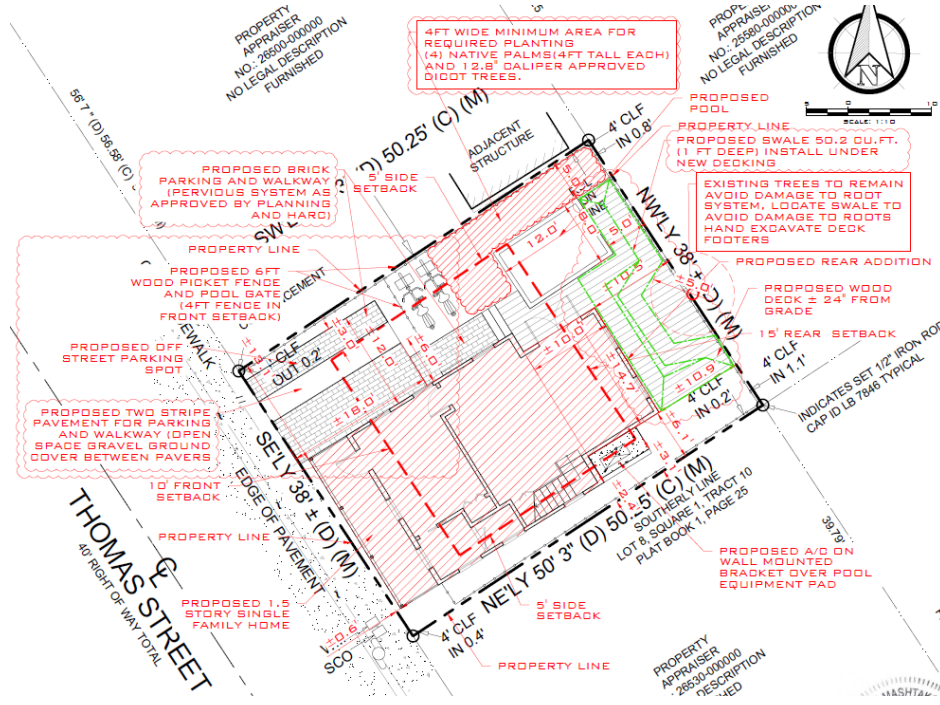


Front/side view of existing structure



Rear view of existing structure

The applicant is proposing to restore the existing structure per HARC guidelines. The front porch enclosure will be removed. The rear shed addition and the wood stairs in the front yard will be demolished. The site plan indicates a proposed rear addition to the house which would encroach into the minimum rear yard setback. Proposed installation of mechanical equipment to the side yard would encroach into the minimum side yard setback. The proposed construction of (1) one off street parking space with a two-stripe design utilizing pervious brick pavers, a pool, and deck places the property below the minimum 35% open space requirements for a residential property.



Proposed site plan



Proposed rendering

The following table summarizes the requested variances.

Relevant HMDR Zoning District Dimensional Requirements: Code Section 122-600				
Dimensional Requirements	Required/ Allowed	Existing	Proposed	Variance required
Minimum lot size	4,000 square feet	1,909.2 square feet	1,909.2 square feet	None
Maximum height	30 feet	20.9 feet	22.9 feet	None
Maximum building coverage	40% 763.68 square feet	38.05% 726.6 square feet	39.87% 761.2 square feet	None
Maximum impervious surface	60% 1,145.5 square feet	38.05% 726.6 square feet	51.82% 989.5 square feet (This includes 50% credit towards pervious pavers)	None
Minimum open space	35% 668.22 square feet	60.80% 1,160.9 square feet	33.48% 639.3 square feet (This includes 50% credit towards pervious pavers)	Variance required -1.52 % -28.92 square feet (This includes 50% credit towards pervious pavers)
Minimum front yard setback	10 feet	0.6 feet	0.6 feet	Existing non-conformity
Minimum south side yard setback	5 feet	2.4 feet	2.4 feet	Variance required -2.6 feet (For A/C & pool equipment)
Minimum north side yard setback	5 feet	13.1 feet	13.1 feet	None
Minimum rear yard setback	15 feet	8.9 feet	10.5 feet	Variance required -4.5 feet (for addition)

Process:

- Planning Board Meeting:** June 18, 2020
- Planning Board Meeting:** May 21, 2020 (postponed by Planning Board to June 18, 2020)
- Planning Board Meeting:** January 16, 2020 (postponed by staff)
- Planning Board Meeting:** November 21, 2019 (postponed by staff)
- Local Appeal Period:** 30 days
- DEO Review Period:** up to 45 days

Analysis – Evaluation for Compliance with the Land Development Regulations:

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. The Planning Board must find all the following criteria in compliance before granting the variances:

- 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.***

The land, and structure involved are located on property within the HMDR zoning district. The minimum lot size requirement is 4,000 square feet. The property at 1007 Thomas Street has a lot size of 1,909.2 square feet, much smaller than the minimum size required. Several of the parcels within the adjacent area have similar sizes as the subject property. The two-story historic structure has remained in the same location since 1918 with existing non-conformities to setbacks. Based on Sanborn maps dated back to 1912, 1948, 1961, 1962, and a 2019 boundary survey (see page 2) reveal that the lot itself went through several transformations while the structure has essentially remained consisted with the inclusion of the existing rear addition. The structure has existing non-conformities to the minimum front, side and rear yard setback requirements. The applicant is proposing to increase the minimum side setback non-conformity by installing a wall mounted ac unit and pool equipment along the side of the structure. The existing rear shed addition encroaches into the minimum rear yard setback. The applicant is proposing to demolish the existing rear shed addition and construct a new rear addition which would still encroach into the minimum rear yard setback.

The 1,909.2 square feet of lot size currently provides over 60% of open space for the property whereas, 35% is the minimum open space requirement for residential properties. The applicant is proposing to construct a 204 square foot pervious brick paved driveway with a tire stripe design for (1) one off street parking space. The City currently provides a 50% credit to the impervious surface and open space ratios for pervious paver systems. The proposed design also includes a 96 square foot pool, and a 298 square foot pool deck with stairs. The proposed design including the 50% credit for the pervious paver system driveway results in 33.48% of open space remaining on the parcel. Therefore, there are no special conditions or circumstances that exist that are peculiar to the land, structures or buildings involved.

NOT IN COMPLIANCE

2. *Conditions not created by applicant. That the special conditions are circumstances that do not result from the action or negligence of the applicant.*

The plans submitted by the applicant are for the proposed construction of a rear addition to the existing house, installation of mechanical equipment to the side yard, a pool deck, a pool, and a brick paved driveway to provide (1) one off-street parking space. The proposed design requires variances to the minimum side yard setback, minimum rear yard setback, and minimum open space requirements. Even though the applicant is proposing pervious pavers for the proposed driveway, the tire striped design could be slimmer if the applicant removed the brick walkway and/ or shortened the pool deck. The proposed design is 29 square feet shy of meeting the 35% minimum open space requirement. The proposed rear addition improves about 1 and half feet from the existing rear setback encroachment. However, the addition could have been designed to meet the required minimum 15-foot rear yard setback. The applicant is proposing to locate a wall mounted A/C unit and pool equipment within the minimum side setback. If the applicant relocated the wall mounted A/C unit to the other side of the house and relocated the pool equipment to the rear of the property within 5 feet of the lot line, there would be no need for a minimum side setback variance.

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 minimum side yard setback, minimum rear yard setback, and minimum open space requirements will confer special privileges to the applicant that is denied by the Land Development Regulations to other lands, buildings or structures in the same zoning district.

NOT IN COMPLIANCE

4. *Hardship conditions exist. That literal interpretation of the provision 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.*

Denial of the requested variance would not deprive the applicant of rights commonly enjoyed by other properties. A rear addition for a larger living room, a brick paved driveway, a deck, and a pool with equipment are not requirements in the HMDR zoning district. Therefore, hardship conditions do not exist.

NOT IN COMPLIANCE

5. ***Only the 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 request is not the minimum required that will make possible the reasonable use of the land, building, or structure. However, it is the minimum necessary to accommodate the request for these proposed uses.

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 other area involved or otherwise detrimental to the public interest or welfare.***

Due to not following all the standards for considering variances, the granting of the requested variance would be injurious to the area involved and otherwise detrimental to the public interest.

NOT 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 non-conforming uses of other properties, use of neighboring lands, structures, or buildings in the same district, or other zoning districts, are not the basis for this request.

IN COMPLIANCE

Concurrency Facilities and Other Utilities or Service (Section 108-233):

Based on comments received through internal departmental reviews, it does not appear that the requested variance will trigger any public facility capacity issues.

The Planning board shall make factual findings regarding the following:

The standards established by Section 90-395 of the City Code have been fully met by the applicant for the variances requested.

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.

The Planning Department has received one public comment for the variance request as of the date of this report.

RECOMMENDATION:

Based on the criteria established by the Land Development Regulations, the Planning Department recommends the request for a parking variance to be **Denied**.

If the Planning Board approved this request, staff suggests adherence to the following conditions:

General Condition:

1. The proposed construction shall be consistent with the plans signed, sealed, and dated May 13, 2020 by Serge Mashtakov, P.E. Artibus Design. No approval granted for any other work or improvements shown on the plans other than the proposed construction of the rear addition to the existing house, the installation of mechanical equipment, a deck, a pool, and to provide one off-street parking space with a pervious paver system.
2. The Building Department requires one of the two below possible remedies for the insufficient Fire Separation Distance (FSD) along the south property boundary:
 - a. The building shall be sprinkled with a minimum NEMA 13D system.
 - b. The southeast wall shall be constructed as a one-hour fire-rated assembly and may not have openings (windows/doors).
3. The proposed picket fence with gate, the gate shall open outward (towards the street) to serve as a conforming pool barrier.