

THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report

**To:** Chairman and Planning Board Members

**Through:** Katie P. Halloran, Planning Director

**From:** Ben Gagnon, Planner I

**Meeting Date:** July 18, 2024

**Agenda Item:** **Variance – 18 Whistling Duck Lane (RE# 00072081-000152)** – Applicant seeks a side yard setback variance of zero feet and zero inches instead of the minimum required five feet pursuant to Sections 122-541 and 90-395 of the Land Development Regulations for a property located within the Mixed Use Planned Redevelopment/Development District (PRD)

**Request:** A request for a side yard setback variance to allow for the reconstruction and addition of a covered porch and repositioning of an external staircase, as well as roof modifications.

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**Property Owner:** Adriaan Herejigers & Nancy Herejigers

**Applicant:** Gary Burchfield, Gary The Carpenter

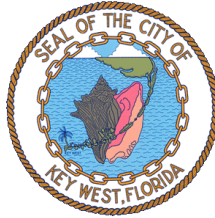
**Location:** 18 Whistling Duck Lane

**Zoning:** Mixed Use Planned Redevelopment/Development District (PRD)

**Background**

The subject property is located within the Key West Golf Course Residential Development, within the Mixed Use Planned Redevelopment/Development District (PRD). The property is adjacent to additional residential development to the north, west, and east.

The subject property maintains a lot area of approximately 2,185 square feet. There is no minimum lot area in the PRD, rather code states that under the dimensional requirements for Key West golf club developments, “*Maximum density: one dwelling unit per lot existing on January 1, 2003*”. The subject



property is currently improved with a single family residence. The PRD District requires a minimum side yard setback of five (5) feet.

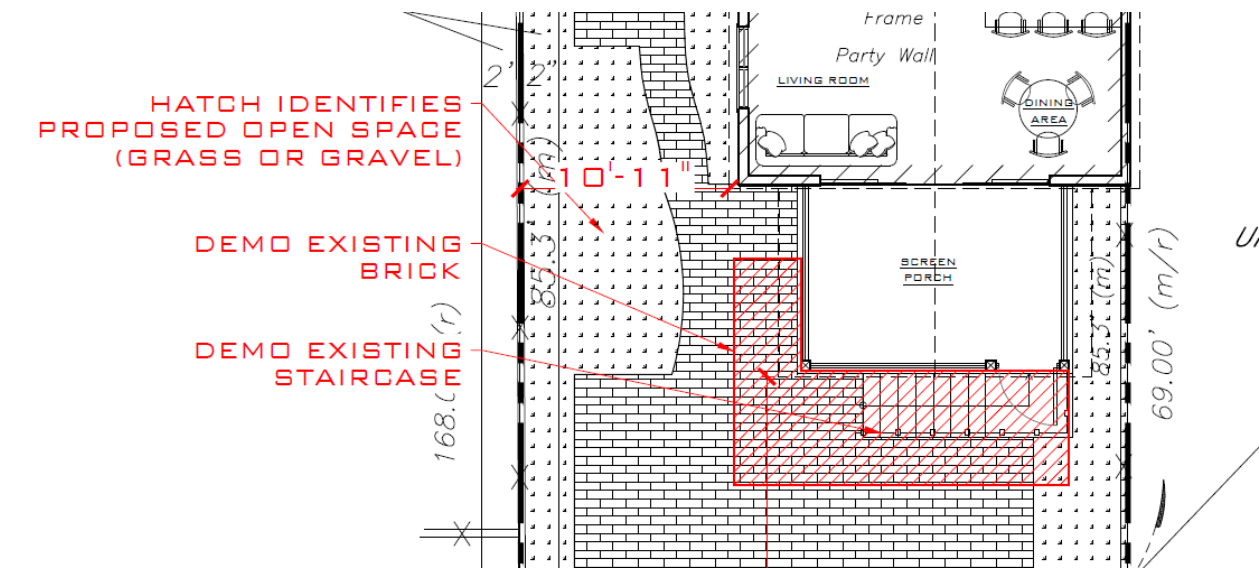
The applicant is seeking a reduction of the minimum required side yard setback from five (5) feet to approximately zero feet and zero inches (0' 0") to accommodate an existing porch that is being reconstructed.

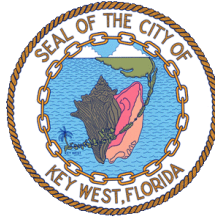
**Process:**

**Planning Board Meeting:** July 18, 2024  
**HARC Meeting:** TBD  
**Local Appeal Period:** 10 Days

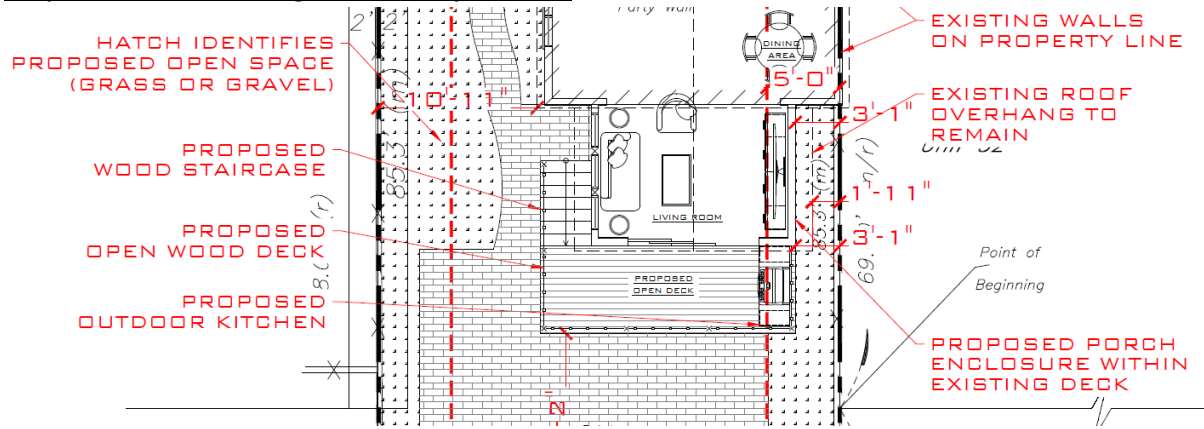
**Site Plans:**

**Existing back porch and deck:**

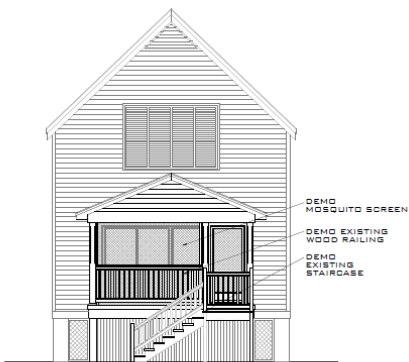




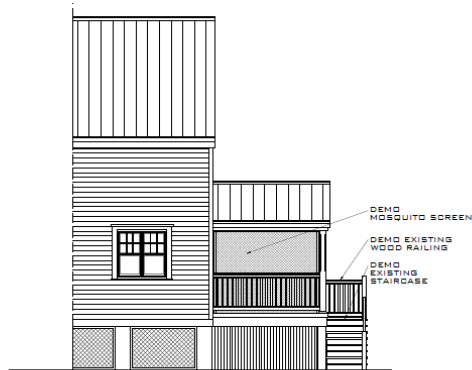
**Proposed enclosed living room and open deck.**



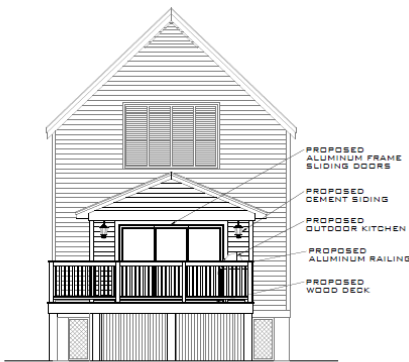
**Elevations:**



EXISTING REAR ELEVATION  
SCALE: 1/4" = 1'-0"



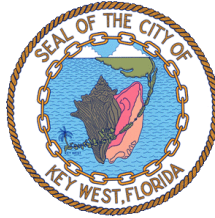
EXISTING PARTIAL LEFT ELEVATION  
SCALE: 1/4" = 1'-0"



PROPOSED REAR ELEVATION  
SCALE: 1/4" = 1'-0"



PROPOSED PARTIAL LEFT ELEVATION  
SCALE: 1/4" = 1'-0"



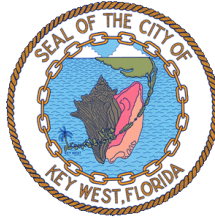
**Staff Analysis:**

Variations are governed by City Code Chapter 90 (Administration), Article V, Division 3 (Variations). Pursuant to Section 90-395 (Standards, findings), before any variance may be granted, the Planning Board must find all of 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 grant 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 found that the application is in reasonable compliance with the variance criteria contained within Section 90-395. Specifically, the entire house is setback 0'0" due to the duplex nature of the adjacent property. To bring the structure into conformity would require moving the entire structure. The project is supported by the HOA at the Golf Course.

Pursuant to Section 90-392 (b), "In granting such application the planning board must make specific affirmative findings respecting each of the matters specified in section 90-394 and may prescribe appropriate conditions and safeguards, including requirements in excess of those otherwise required by



these land development regulations, which shall become a part of the terms under which a development order may be issued.”

In addition, pursuant to Section 90-395, the Planning Board shall make factual findings regarding the following:

(1) That the standards established in subsection (a) have been met by the applicant for a variance.

(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 June 18<sup>th</sup>, Staff has not received any neighbor comments.

**Recommendation:**

Based upon the above analysis, it is recommended that the variance request be APPROVED subject to the following conditions:

1. The proposed development shall be in substantial compliance with the site plans signed, sealed and dated February 27, 2024 by Artibus Design, notwithstanding any revisions requested and recommended by staff. Construction drawings for permitting shall be dated as approved herein, with any proposed revisions (modifications) clearly noted. All modifications shall be submitted for review and approval to the Planning Department prior to a building permit application.
2. Review and approval by the Fire Marshall for compliance with fire code.