

RESOLUTION NO. _____

VARIANCE: A PORTION OF MALLORY SQUARE
RE #00072820-001100

A RESOLUTION OF THE KEY WEST BOARD OF ADJUSTMENT APPROVING A NON-HABITABLE SPACE VARIANCE TO BUILDING HEIGHT REGULATIONS FOR PROPERTY IN THE HPS, HISTORIC PUBLIC SERVICE ZONING DISTRICT, UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR PROPERTY LOCATED WITHIN MALLORY SQUARE (RE# 00072820-001100) REGARDING THE REDEVELOPMENT OF FOUR CITY-OWNED PARCELS ON MALLORY SQUARE FOR A NEW RESTAURANT STRUCTURE

WHEREAS, the Board of Adjustment finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district; and

WHEREAS, the Board of Adjustment finds that granting the variance requested would not confer upon the applicant special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Board of Adjustment finds 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 or undue hardship on the applicant; and

WHEREAS, the Board of Adjustment finds that the variance requested is the minimum variance that would make possible the reasonable use of the land, building or structure; and

WHEREAS, the Board of Adjustment finds that the grant of the variance would be in harmony with the general intent and purpose of the land development regulations and that such variance would not be injurious to the area involved and otherwise detrimental to the public interest or welfare; and

WHEREAS, the Board of Adjustment finds that the applicant can not make reasonable use of the land, building or structure without the grant of the instant variance; and

WHEREAS, the Board of Adjustment finds that the applicant has satisfied the conditions of Key West Code of Ordinances section 90-395 and likewise met the requirements established by 90-274.

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

Section 1: That a non-habitable space variance to building height regulations from the 25 feet maximum building height allowed

to the 33 feet - 7-1/2 inches, proposed in the HPS, historic public service zoning district, under the Code of Ordinances of the City of Key West, Florida section 122-900(3) is hereby approved.

Section 2: 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 Passed and adopted by the Board of Adjustment at a meeting held this _____ day of _____, 2011.

Authenticated by the Presiding Officer and Clerk of the Board on _____ day of _____, 2011.

Filed with the Clerk on _____, 2011.

CRAIG CATES, CHAIRMAN
BOARD OF ADJUSTMENT

ATTEST:

CHERYL SMITH, CITY CLERK