

RESOLUTION NO. _____

VARIANCE: 716-718 SOUTH STREET
RE # 00036870-000000, AK # 1037681

A RESOLUTION OF THE KEY WEST BOARD OF ADJUSTMENT APPROVING WITH CONDITIONS A VARIANCE TO MAXIMUM HEIGHT FROM 30 FEET TO 38 FEET IN ORDER TO ACCOMMODATE NON-HABITABLE HARDWARE AND UTILITY STRUCTURES AS PART OF THE RECONSTRUCTION OF 17 TRANSIENT RESIDENTIAL DWELLING UNITS ON PROPERTY LOCATED AT 716-718 SOUTH STREET WITHIN THE HISTORIC RESIDENTIAL / OFFICE (HRO) ZONING DISTRICT PURSUANT TO SECTIONS 90-395, 122-930(3) AND 122-1149 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Key West Board of Adjustment (the "Board") 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 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 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 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 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 finds that the applicant cannot 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 Code Section 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 the 30-foot maximum building height allowed within the Historic Residential / Office (HRO) Zoning District under Section 122-930(3) of the Code of Ordinances of the City of Key West, Florida to the proposed height of 38 feet is hereby approved pursuant to City Code Sections 90-395 and 122-1149.

Section 2: That this approval is subject to the following conditions:

1. This approval shall not become effective until the concurrent application for Major Development Plan is approved and effective.

2. This height variance shall only be for the nonhabitable rooftop structures as shown on the attached approved plans by William P. Horn, P.A. Any future increase of height beyond the three-dimension building envelope shall require a new height variance application.

3. The rooftop pool shall be closed between sunset and sunrise each day.

Section 3: 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 Board.

Section 4: This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order shall be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 45 days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review

period, the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Passed and adopted by the Board of Adjustment at a meeting held this _____ day of _____, 2015.

Authenticated by the Presiding Officer and Clerk of the Board on _____ day of _____, 2015.

Filed with the Clerk on _____, 2015.

Chairman Craig Cates	_____
Vice Chairman Mark Rossi	_____
Commissioner Teri Johnston	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____
Commissioner Tony Yaniz	_____

MARK ROSSI, VICE-CHAIRMAN
BOARD OF ADJUSTMENT

ATTEST:

CHERYL SMITH, CITY CLERK