

**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**



To: Chairman and Planning Board Members

Through: Patrick Wright, Planning Director

From: Melissa Paul-Leto, Planner I

Meeting Date: November 15, 2018

Agenda Item: **Variance – 3500 North Roosevelt Boulevard (RE # 00064960-000000)**
– A request for a variance to the maximum allowed depth of a façade sign to install two façade signs on property located within the commercial General (CG) Zoning district pursuant to Sections 90-395 and 114-36 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

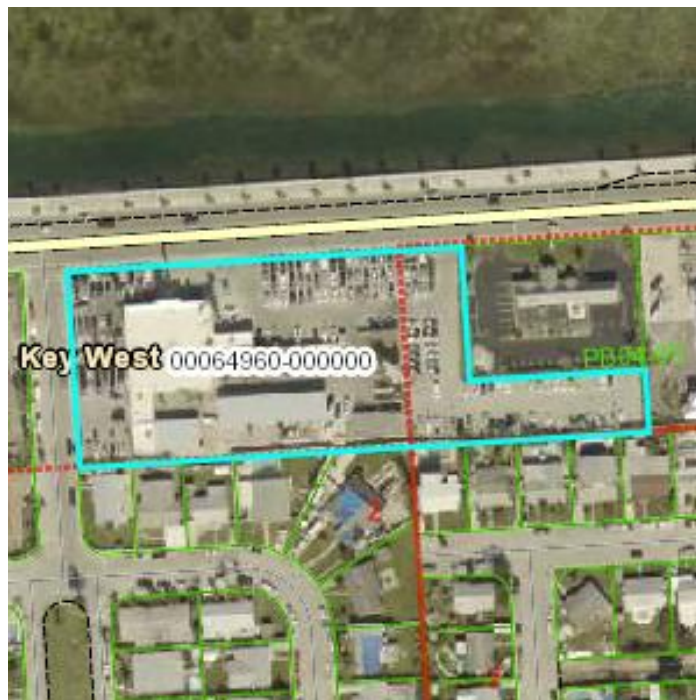
Request: Variance to allow for the installation of two façade signs which project more than 4 inches from the face of the building.

Applicant: Marathon Electric / Randall Mearns

Owner: Niles Sales & Service

Location: 3500 North Roosevelt Boulevard (RE # 00064960-000000)

Zoning: Commercial General (CG) Zoning District



Background and Request:

The applicant is proposing to remove the current GMC and Buick facade signs for Niles sales and Service, Inc. on 3500 North Roosevelt Boulevard. The facade signs are currently non-conforming and project seven (7) inches from the face of the building and never received variances prior to permitting. The applicant recently applied for building permits to remove and replace the facade signs. Planning staff informed the applicant that a variance is required due to the facade signs projecting three (3) inches over the four (4) inches allowed.

The proposed GMC and Buick facade signs project a total of seven (7) inches from the face of the building. Per section 114-36, facade signs shall not project more than four inches from the face of the building.

Relevant Boulevard Appearance Zone Sign Requirements: Code Section 114-36				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Flat and facade signs	Maximum four (4) inch projection	Seven (7) inch projection	Seven (7) inch projection	Variance Required -3 inches

Process:

Planning Board Meeting:

November 15, 2018

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 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.**

There are no special conditions or circumstances that exist peculiar to the land, structures or buildings involved.

NOT 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 two current facade signs project out seven (7) inches from the face of the building and never received variance approval prior to permitting. The applicant has chosen the thinnest facade signs available to replace the current signs. The thinnest GMC and Buick facade options for facade signs is seven (7) inches in depth. This is the only option for the applicant. These conditions were not created by the applicant.

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.**

Although the applicant is replacing the current façade signs with new signs that have the exact same depth, the maximum allowed four (4) inch projection would confer special privileges upon the applicant.

NOT 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.**

The existing façade signs are provided by GMC and Buick. The GMC and Buick façade signage requirements for dealerships has a standard seven (7) inches in depth. To provide and benefit from advertising the GMC and Buick brand on the building, the applicant is requesting a variance. For that specific reason, a hardship condition exists.

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 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.

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

It does not appear that granting of the variance will be injurious to the area involved or otherwise detrimental to the public interest or welfare.

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):

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:

1. **That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.**

Three out of the seven standards established by Section 90-395 of the City Code have not been fully met by the applicant for the requested 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.**

The Planning Department has not received any public comment for the variance request as of the date of this report.

RECOMMENDATION:

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variance be **denied**.

If Planning Board chooses to approve the request for variances, then staff suggests the following condition:

1. The proposed development shall be consistent with the plans dated, June 13, 2018 by C. Arocho, Architectural Graphics Inc. No approval granted for any other work or improvements shown on the elevation other than the proposed façade signs.