

RESOLUTION NO. \_\_\_\_\_

920 EISENHOWER DRIVE

A RESOLUTION OF THE KEY WEST BOARD OF ADJUSTMENT APPROVING A NON-HABITABLE SPACE VARIANCE TO BUILDING HEIGHT REGULATIONS TO ACCOMMODATE NON-HABITABLE SPACE FOR PURPOSES OF A PROPOSED MINIMUM VARIANCE REQUIRED IN ORDER TO ELEVATE THE STRUCTURE ABOVE FLOOD LEVEL FOR A STRUCTURE LOCATED ON PROPERTY LOCATED AT 920 EISENHOWER DRIVE (RE # 00024260-000000) IN THE HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDR) ZONING DISTRICT, PURSUANT TO SECTIONS 90-395 AND 122-600(3) OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; 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.

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 in the HMDR Zoning District under Section 122-600(3) of the Code of Ordinances of the City of Key West, Florida to the proposed 31.48 feet maximum building height is hereby approved.

Section 2: That this approval is conditioned upon:

(1) This approval shall not become effective until the concurrent applications for variances to setbacks and Certificate of Appropriateness are effective.

(2) This height variance shall only be for the 1.48 foot increase from the 30 foot height allowed in the HMDR zoning district. Any future increase of height beyond this would require a new height variance application.

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 \_\_\_\_\_, 2014.

Authenticated by the Presiding Officer and Clerk of the Board on \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Filed with the Clerk on \_\_\_\_\_, 2014.

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

\_\_\_\_\_  
CRAIG CATES, CHAIRMAN  
BOARD OF ADJUSTMENT

ATTEST:

\_\_\_\_\_  
CHERY L SMITH, CITY CLERK