

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF KEY WEST BOARD OF ADJUSTMENT APPROVING A VARIANCE ALLOWING FOR NEW STADIUM BLEACHERS AND PRESS BOX STRUCTURE TO EXCEED THE MAXIMUM BUILDING HEIGHT BY 15 FEET ON PROPERTY LOCATED AT 1244 14TH STREET (RE# 00064590-000000, 00065790-000000, and 00064600-000000), IN THE PUBLIC AND SEMIPUBLIC SERVICES (PS) ZONING DISTRICT, PURSUANT TO SECTIONS 90-395 AND 122-1020 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; AND THE CITY OF KEY WEST CHARTER, ARTICLE I, SECTION 1.05.

WHEREAS, the City of Key West Code of Ordinances Section 90-97 provides that the board of adjustment may authorize in specific cases a variance from the maximum height requirement of the land development regulations; and

WHEREAS, the owner of real property at 1244 14th Street (RE # 00064590-000000, 00065790-000000, and 00064600-000000) is the Board of Public Instruction of Monroe County, Florida and proposes to reconstruct a stadium bleacher and press box structure that is legally nonconforming, at 32-foot height, and where the new structure is proposed at 40-foot height; and

WHEREAS, Section 122-1020 of the Land Development Regulations (the "LDRs") of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provide that the maximum building height is 25-feet within the Public and Semipublic Services (PS) Zoning District; and

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

WHEREAS, the Board finds 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; 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 and undue hardship on the applicant; and

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

WHEREAS, the Board finds 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; and

WHEREAS, the Board finds that 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 are grounds for the issuance of the requested variances; and

WHEREAS, the Board finds that the applicant has satisfied the conditions of Section 90-395 of the Code Of Ordinances (the "Code") of the City of Key West, Florida (the "City") and likewise met the requirements established by Code Section 90-274; and.

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

Section 1. That a variance to the 25-foot maximum building height to the proposed 40 feet is hereby approved for a new stadium bleacher and press box structure at 1244 14th Street pursuant to City Code Section 90-395 and City Charter Section 1.05(b).

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

1. Screen the dumpster from public view, pursuant to Sec. 108-279.

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 will 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 forty five (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 forty five (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 13th day of July, 2023.

Authenticated by the Presiding Officer and Clerk of the Board on ____ day of _____, 2023.

Filed with the Clerk on _____, 2023.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Lissette Carey	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

Attest:

KERI O'BRIEN, CITY CLERK