



**THE CITY OF KEY WEST
PLANNING BOARD**

Staff Report

To: Chairman and Planning Board Members

Through: Jim Singelyn, Acting Planning Director

From: Sheetal Almas, Planner I

Meeting Date: October 16, 2025

Application: **Variance – 812 Carsten Lane (RE# 00011530-000000)** – Applicant requests a variance to the minimum rear yard setback from the required 20 feet to a proposed 5 feet to construct additional habitable space on the primary structure at an existing residential property located in the Historic High Density Residential Zoning District (HHDR) pursuant to sections 90-395 and 122-626 through 122-655 of the Code of Ordinances of the City of Key West, Florida.

Request: The applicant seeks relief to allow the construction of a third bedroom addition to an existing one-story single-family residence by reducing the required rear yard setback from 20 feet, existing setback at 8.7ft to 5 feet.

Applicant: Owen Trepanier, Trepanier & Associates, Inc.

Property Owner: KW Sunshine Homes, LLC

Zoning: Historic High Density Residential (HHDR)



Background & Request

The subject property is a 3,030 square-foot parcel located at 812 Carsten Lane within the Historic High Density Residential (HHDR) Zoning District. The site is developed with a one-story single-family residence. The property is a legal nonconforming lot, containing less than the 4,000 square feet required in HHDR, and the existing residence is a legal nonconforming structure with a rear setback of 8.7 feet where 20 feet is required. While these conditions may remain as they exist, any expansion that increases the degree of nonconformity requires variance approval pursuant to Section 90-395 of the Land Development Regulations.

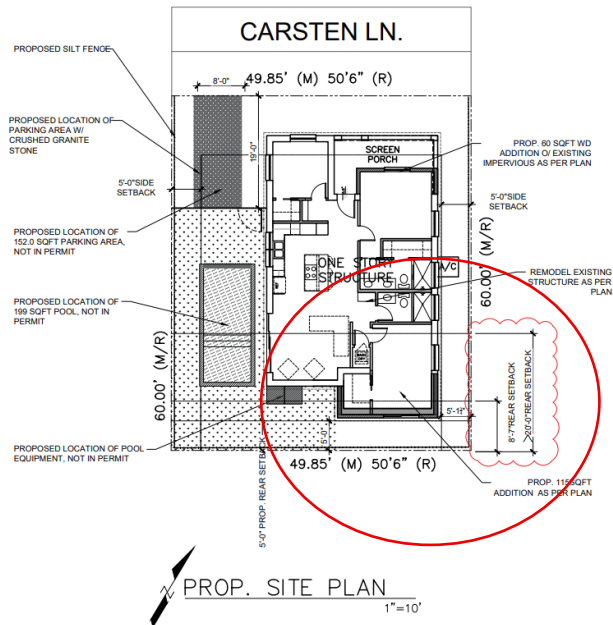
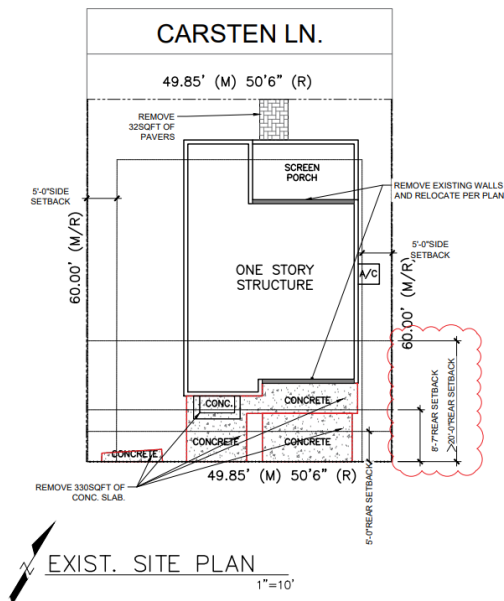
The applicant is requesting a variance to reduce the required rear setback from 20 feet to 5 feet, where the existing setback is 8.7 feet, to accommodate a third-bedroom addition. While the proposed building coverage will increase from 38% to 42.8%, this remains within the 50% maximum permitted in the HHDR district and does not require variance relief. All other dimensional standards, including height, front setback, side setbacks, impervious surface, and open space, remain compliant with the Land Development Regulations.

SITE DATA

	Permitted	Existing	Proposed	Variance?
Lot Size	4,000 sq. ft.	3,030 sq. ft.	No Change	
Building Coverage	50%	38.0%	42.8%	No
Impervious Surface	60%	51.67%	No Change	No
Open Space	35%	48.33%	No Change	No
Height	30 ft.	16'-7.8	No Change	No
SETBACKS				
Front Setback	10'	7.8'	No Change	No
Side Setback (east)	5'	5'	5'	No
Side Setback (west)	5'	5'	5'	No
Rear Setback	20'	8.7'	5'	Yes

*Note	No change to Open Space and ISR as the applicant is removing concrete slab and pavers to offset ISR and Open Space
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Existing / Proposed Site Plan



Process:

Planning Board Meeting:

October 16, 2025

Local Appeal Period:

10 Days

Planning renders to DOC for review:

Up to 45 days

Staff Evaluation:

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.*

Code requires 20 ft rear setbacks in HHDR (Sec. 122-233). Survey shows the existing residence sits 8.7 ft from the rear line on a 3,030 sq ft lot which is below the 4,000 sq ft minimum lot area required. This combination of a substandard lot and historic siting is a condition not generally applicable to conforming HHDR parcels.

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 house was constructed decades prior to current code, creating the nonconforming rear yard.

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.*

Granting the variance would confer on the applicant the ability encroach into the rear setback which is not permitted for other properties in the same zoning district.

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.*

Literal interpretation of the provisions of the land development regulations would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. All properties in the zoning district are subject to the same site requirements.

NOT 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 necessary to make possible the reasonable use of the land, building, or structure. The property already functions as a dwelling with the existing rear setback of 8.7 feet, where 20 feet are required. The request to further reduce the rear setback to 5 feet would deepen the nonconformity rather than provide the least relief needed.

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.*

The variance is not likely to be injurious to the area involved or otherwise detrimental to the public interest.

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 nonconforming uses of other properties are not the basis of 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 or utility service 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.*

Staff has found that the standards established by Section 90-395 of the City Code have not been met by the applicant.

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.*

As of October 3, 2025, staff have received no letters of objection and no letters of support for the item.

Recommendation:

The variance request to the minimum required rear yard setback for the property located at 812 Carsten Lane does not meet all the criteria stated in Section 90-395. Therefore, the Planning Department recommends that the request for a variance be **denied**.

If the Planning Board chooses to approve the variances, the Planning Department recommends the following conditions:

General Conditions:

1. The proposed work shall be consistent with the attached signed and sealed plans on March 28, 2025 by William R Campbell.