

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



**To:** Chairman and Planning Board Members

**Through:** Patrick Wright, Planning Director

**From:** Ginny Haller, Planner II

**Meeting Date:** June 15, 2017

**Agenda Item:** **Variance – 904 Olivia Street (RE # 00021450-000000)** - A request for a variance to minimum front yard setback requirements and maximum building coverage on property located within Historic High Density Residential (HHDR) zoning district pursuant to Section 90-395, 122-630(6)(a) and 122-630(4)(a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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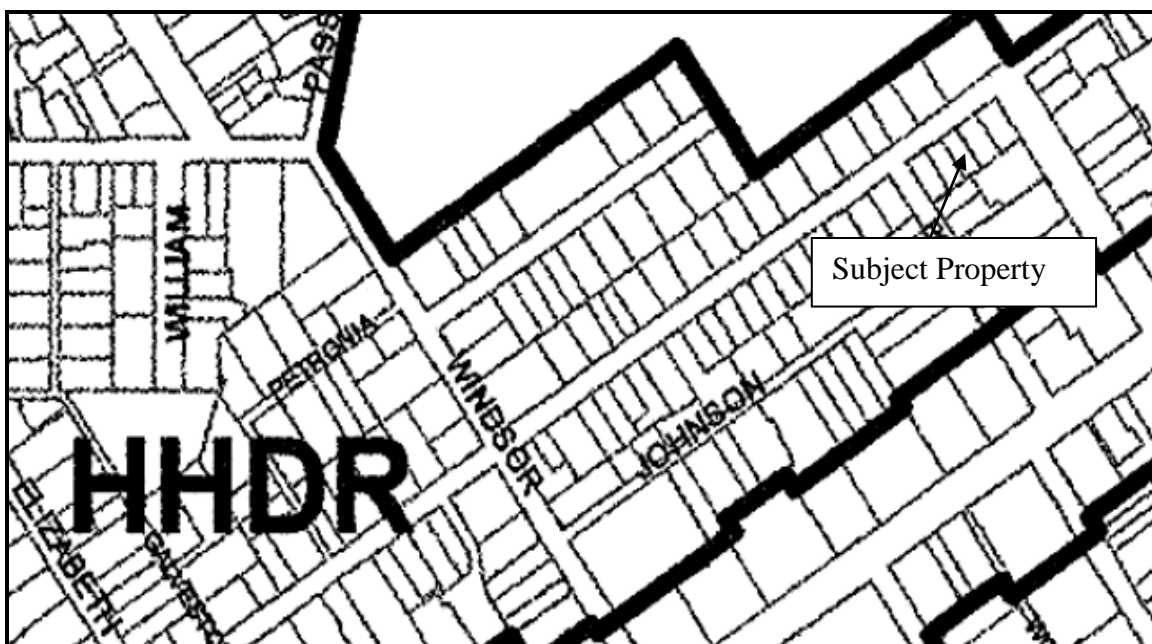
**Request:** Variance to minimum front yard setback requirements and maximum building coverage in order to renovate an existing house on the property.

**Applicant:** Anthony D. Sarno, Anthony Architecture, LLC

**Owner:** Jeffrey Smead

**Location:** 904 Olivia Street (RE # 00021450-000000)

**Zoning:** Historic High Density Residential (HHDR)



**Background and Request:**

The subject property is located on the 900 block of Olivia Street between Packer and Grinnell Streets within the HHDR zoning district. The property is located within the Key West Historic District; and the building is a non-contributing structure built in 1968 according to the Monroe County Property Appraiser’s website. The lot is nonconforming at 1,392 square feet (24’ X 58’), the minimum lot size for the HHDR zoning district is 4,000 square feet (40’ X 90’).

The applicant proposes to renovate the existing structure to construct a front porch and expand the second floor to accommodate an existing stairway and construct a new bathroom. The applicant is requesting a variance to front yard setback requirements and maximum building coverage as part of the proposed renovation and construction. The following table summarizes the requested variances.

<b>Relevant Land Development Regulations: Code Section 122-630</b>				
<b>Dimensional Requirement</b>	<b>Required/ Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change / Variance Required?</b>
Front Yard Setback	10’	7’	2’	<b>Variance Requested</b>
Building Coverage	50% (696 sq. ft.)	67.55% (940.26 sq. ft.)	72.49% (1009.13 sq. ft.)	<b>Variance Requested</b>

**Process:**

**Planning Board Meeting:** June 15, 2017  
**Local Appeal Period:** 30 days  
**DEO Review Period:** Up to 45 days

**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 of 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.***

The lot size is nonconforming at 1,392 square feet since the minimum lot size for the zoning district is 4,000 square feet, however, other lots in the area are similarly nonconforming. The structures and buildings on the subject property do not have special conditions or circumstances involved that any other property located within the HHDR zoning district possesses.

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 existing condition of the small lot was not created by the owner or applicant, however, the additional non-conformities will be created by the applicant due to the nature of the design. This is a circumstance resulting from the proposed action of the applicant, therefore, some of the conditions were created by the applicant.

NOT 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 requested variance would confer special privileges upon the applicant that are denied by the LDRs to other lands, buildings, and structures in the HHDR 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.**

The existing condition of the small lot was not created by the owner or applicant. The denial of the requested variances would not deprive the applicant of rights commonly enjoyed by other properties in the HHDR zoning district. Therefore hardship conditions do not exist.

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 required that will make possible the reasonable use of the land, building, or structure. However, they are 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.**

Due to not being in compliance with all of the standards for considering variances, the granting of the requested variances would be injurious to the area involved and otherwise detrimental to the public interest.

NOT 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:**

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

The standards established by Section 90-395 of the City Code have not been fully met by the applicant for the variances requested.

**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 received four (4) public comment regarding the requested variance.

**The planning board shall not grant a variance to permit a use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district.**

No use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district would be permitted.

**No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.**

No such grounds were considered.

**No variance shall be granted that increases or has the effect of increasing density or intensity of a use beyond that permitted by the comprehensive plan or these LDRs.**

No density or intensity of a use would be increased beyond that permitted by the Comprehensive Plan or the LDRs.

**RECOMMENDATION:**

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