

**RESOLUTION NO. 2026-**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD DENYING A REQUEST FOR A VARIANCE FROM THE OFF-STREET PARKING REQUIREMENTS TO ALLOW THE CONVERSION OF APPROXIMATELY 822 SQUARE FEET OF EXISTING RETAIL SPACE INTO A RESTAURANT USE AT A PROPERTY LOCATED IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE-3 (HRCC-3) ZONING DISTRICT, PURSUANT TO SECTIONS 90-395, 108-572, AND 122-746 THROUGH 122-747 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.**

**WHEREAS**, the real property located at 1121 Duval Street and identified by RE# 00027840-000000 is located in the Historic Residential Commercial Core – (HRCC-3) zoning district; and

**WHEREAS**, pursuant to Section 108-572 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) the minimum required parking for restaurants is one space per 45 square feet of consumption area, while the minimum required parking for office is 1 space per 300 square feet of gross floor area; and

**WHEREAS**, the property is proposing 568 square feet of consumption area and has 708 square feet of existing office space to remain; and

**WHEREAS**, the proposed restaurant consumption area, combined with the existing office use, results in a total parking deficiency of 15 spaces pursuant to the applicable parking standards; and

**WHEREAS**, the applicant for 1121 Duval Street has submitted a variance request for the deficit of fifteen (15) parking spaces to include the deficiency for the primary use of an office pursuant to Section 108-575; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on June 18, 2026; and

**WHEREAS**, Chapter 90 (Administration), Article V, Division 3 (Variances) establishes specific criteria needed to support a request for variance relief; and

**WHEREAS**, the Key West Planning Board (the “Board”) finds that the applicant has failed to meet the required criteria needed to support the requested variance pursuant to Chapter 90, Article V, Division 3; and

**WHEREAS**, the applicant failed to establish that: (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. (2) Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant. (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

\_\_\_\_\_ Chairman  
\_\_\_\_\_ City Planner

structures in the same zoning district. (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. (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. (6) Not injurious to the public welfare. That the grant 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. (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; and

**WHEREAS**, the Board finds that the applicant has **FAILED** to satisfy the conditions of Section 90-395 of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) and likewise failed to meet the requirements established by Code Section 90-274; and

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

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** That the City of Key West Planning Board hereby **DENIES** by Resolution a

\_\_\_\_\_ Chairman  
\_\_\_\_\_ City Planner

request for a variance from the off-street parking requirements to allow the conversion of approximately 822 square feet of existing retail space into a restaurant use at a property located in the Historic Residential Commercial Core-3 (HRCC-3) zoning district, pursuant to Sections 90-395, 108-572, and 122-746 through 122-747 of the Code of Ordinances of the City of Key West, Florida.

**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 only to the appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). Because the permit or development order has been denied, no development order will be rendered to the Florida Department of Commerce pursuant to Chapter 73C-44, Florida Administrative Code, and the forty-five (45) day state review period does not apply.

Read and passed at a regularly scheduled meeting held this 18<sup>th</sup> day of June, 2026.

Authenticated by the Chair of the Planning Board and the Planning Director.

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Peter Batty, Planning Board Chair

Date

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\_\_\_\_\_ Chairman

\_\_\_\_\_ City Planner

**Attest:**

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Taylor Brown, City Planner

Date

**Filed with the Clerk:**

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Keri O'Brien, City Clerk

Date

\_\_\_\_\_ Chairman  
\_\_\_\_\_ City Planner