

RESOLUTION NO. 26-_____

A RESOLUTION OF THE CITY OF KEY WEST BOARD OF ADJUSTMENT GRANTING/DENYING A REQUEST FOR A HEIGHT VARIANCE TO ALLOW AN INCREASE IN THE MAXIMUM BUILDING HEIGHT FROM FORTY (40) FEET TO FIFTY (50) FEET IN ORDER TO PERMIT THE INSTALLATION OF HVAC EQUIPMENT ON THE EXISTING ROOF OF THE PROPERTY LOCATED AT 3990 SOUTH ROOSEVELT BOULEVARD, WHICH PROPERTY IS LOCATED WITHIN THE HIGH DENSITY RESIDENTIAL (HDR) ZONING DISTRICT, PURSUANT TO SECTIONS 90-391 AND 90-395 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR FINDINGS OF FACT, CONCLUSIONS OF LAW; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Richard Milelli of Northstar Engineering, on behalf of the property owner, RLJ Lodging Trust, submitted an application for a height variance for the property located at 3990 South Roosevelt Boulevard, requesting approval to install four (4) HVAC ventilation units on the roof of the existing building; and

WHEREAS, the proposed installation would result in HVAC equipment reaching a height of fifty (50) feet above grade, while the High Density Residential (HDR) zoning district establishes a maximum building height of forty (40) feet; and

WHEREAS, the subject property is located at 3990 South Roosevelt Boulevard (RE# 00066180-000700) and is zoned High Density Residential (HDR); and

WHEREAS, City Charter Section 1.05 authorizes the Board of Adjustment to grant height variances for non-habitable purposes, provided the criteria for a variance are satisfied; and

WHEREAS, The Board of Adjustment has reviewed the application, staff report, applicable code provisions, and all materials submitted into the record, and has conducted a duly noticed public hearing; and

WHEREAS, Section 90-395 of the Code of Ordinances requires that all variance criteria be satisfied in order for a variance to be granted;

THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA:

Section 1. That the Board of Adjustment finds that the applicant **has/ has not** satisfied the conditions of Section 90-395 of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") and therefore **has/ has not** met the requirements established by Code Section 90- 274;

Section 2. That a variance to the 40-foot maximum building height allowing for the addition of HVAC equipment on the roof to reach 50' in height at 3990 South Roosevelt Boulevard based on plans signed, sealed, and dated, March 31, 2026, by Shrenik R. Ajmera, PE is hereby **granted/denied.**

Section 3. That this **denial/approval** is subject to the following conditions:

1. The proposed construction shall be consistent with the plans signed, sealed, and dated, March 31, 2025, by Shrenik R. Ajmera, PE.

Section 4. 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 Commission.

Section 5. 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 5th day of March, 2026.

Authenticated by the Presiding Officer and Clerk of the Board on __day of ____, 2026.

Filed with the Clerk on _____, 2026.

Chair Danise Henriquez _____
Vice Chair Donald "Donie" Lee _____
Commissioner Lissette Carey _____
Commissioner Aaron Castillo _____
Commissioner Monica Haskell _____
Commissioner Greg Veliz _____
Commissioner Sam Kaufman _____

Danise Henriquez, CHAIR

ATTEST:

Keri O'Brien, CITY CLERK