

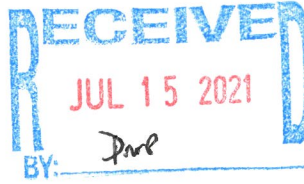
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July 15, 2021

VIA HAND DELIVERY AND  
ELECTRONIC MAIL

Katie Halloran, Planning Director  
City of Key West Planning Department  
1300 White Street  
Key West, Florida 33040

RE: Parking Variance – 408 Greene Street, Key West, Florida 33040

Dear Ms. Halloran,

Please allow this letter and supporting documentation to serve as my client's, Key West Med Spa ("Applicant"), application for a parking variance at 408 Greene Street, Key West, Florida 33040 (the "Property") located in the Historic Residential Office ("HRO") Zoning District. This variance request applies to Code Sec. 108-572(3) Schedule of off-street parking requirements by use for 1,000 sf of assembly area and Code Sec. 108-573(c)(1) Special provisions within historic commercial pedestrian-oriented area due to additional nonresidential floor area.

By way of background, the Property has an established non-conforming use history for the inside of the structure located at the Property. The Applicant is currently using the Property in a conforming manner as well as continuing with the established retail and office use but is seeking to take advantage of the large outdoor space to provide additional services and functions. Those services will be both permitted in the HRO zoning district as well as a continuation of the grandfathered non-conforming retail use. The request to utilize the backyard includes added commercial floor area which triggers additional parking requirements. Parking is not able to be added to the Property. In support hereof, the Applicant states as follows with respect to the criteria for granting the variance.

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.

- a. The Property is located within the historic old town and was constructed at a time when vehicles did not exist. As such, the structure is located very close to the front property line and the property is very narrow making it impossible to add parking. The historic nature of the property combined with the current zoning and use create special conditions that make it impossible for parking to be added. The applicant is proposing to utilize the large backyard space to provide clients with a more holistic approach. It is also important to note that this Property is located within the commercial pedestrian-oriented zone.
2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.
  - a. The Applicant signed a lease for the Property with the existing lot and building configuration. The applicant did not create the existing layout of the property.
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.
  - a. Special privileges are not conferred. The granting of the variance requested will not confer any special privileges upon the Applicant. Many other properties in the surrounding vicinity are using a much higher proportion of their property without providing parking spaces for said use.
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.
  - a. The Applicant is seeking to provide additional permitted medical services, in addition to legally non-conforming uses, in the rear of the Property but would be unable to do so without the granting of this variance. The fact that the Property is located within the commercial pedestrian-oriented zone acknowledges that fact that this area is less likely to be able to provide parking and more likely that patrons will visit on foot.
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.
  - a. The variance requested is the minimum variance that will make possible the continued use of the land, building, or structure. The proposed variance would allow the use of the backyard space.

6. Not injurious to the public welfare. That granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.
  - a. The granting of the variance does not appear to be injurious to the area involved or detrimental to the public interest. In fact, it will allow additional therapeutic services to be provided.
  
7. Existing nonconforming uses of other property shall not be considered as the basis for approval. That no other nonconforming uses of neighboring lands, structures, or buildings in the same district and that no other permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
  - a. The Applicant did not consider other nonconforming uses of other property in developing this application.

If you should have any questions, comments, or concerns, please do not hesitate to contact me.

Sincerely,



Richard J. McChesney, Esq.

For the Firm

Enc.