

THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Scarlet R. Hammons, AICP CTP, The Corradino Group

Meeting Date: April 21, 2022

Application: **Variance - 529 Eaton Street (RE# 00004140-000000)**-Variance request for non-complying front and side yard setbacks, maximum impervious surface, building coverage, and minimum open space requirements in the Historic Neighborhood Commercial (HNC-1) zoning district pursuant to Section 90-395, 122-810(4), 122-810(6), and 108-346 of the City of Key West Land Development Regulations.

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**Request:** The request is to restore a historic structure including the existing porch floor, rear porch ceiling, and rear stairs. There are two proposed setback encroachments, the front yard setback for the porch, and side yard setback for a porch roof and an ADA accessible ramp. Additional proposals include accommodations for ADA requirements.

**Applicant:** Mathew Stratton

**Property Owner:** Studios of Key West, INC.

**Location:** 529 Eaton Street - (RE# 00004140-000000)

**Zoning:** Historic Neighborhood Commercial (HNC-1)



**Background:**

The subject property at 529 Eaton Street is located approximately 130 feet from the corner of Simonton Street and 100 feet from the corner of Bahama Street and is one lot of record. The parcel is 4,800 square feet and includes a residence for visiting artists for the Studios of Key West. The property is located within the Historic Neighborhood Commercial (HNC-1) Zoning District. The proposal is to restore the historic structure by repairing several items including the existing porch floor, existing ceiling at the rear porch, and the stairs at the rear of the property. The non-historic rear kitchen will be replaced with a smaller footprint. Additionally, new ADA ramps and associated accommodations are proposed.

$\gamma_p = 20^\circ$  Assumed







## Site Data Table

The site data table below provides the current and proposed site data for the property. Variances are proposed for a reduction in the street yard setback, building coverage, impervious surface and open space. Based on the plans submitted, the proposed design would require variances to the following dimensional requirements:

Site Data Table: 529 Eaton Street				
	Code Required	Existing	Proposed	Variance Request
Zoning	HNC-1			
Flood Zone	X			
Minimum Lot Size/ Size of Site	4,000 SF	4,800 SF	No Change	
Front Setback	5 feet	1'-6"	1'-6"	Existing noncompliance
Side Setback (East) (West)	5 feet 5 feet	1' 1'	3' 3.5" 5'	<b>Variance Required (East side) for 1' 8.5"</b>
Rear Setback	15 feet	19'-6"	22'-6"	<b>None</b>
Building Coverage	50% -- 2,400 SF	62.7% -- 3,010 SF	57.6% -- 2,767 SF	<b>Variance Required 367 SF (Improvement of 241 SF)</b>
Impervious Surface	60% -- 2,880 SF	92.5% -- 4,442 SF	82.2% -- 3,946 SF	<b>Variance Required 1,066 SF (Improvement of 496 SF)</b>
Open Space	35% -- 1,680 SF	5.9% -- 281 SF	13.2% -- 634 SF	<b>Variance Required 1046 SF (Improvement of 353 SF)</b>

- The required side setback in the HNC-1 zoning district is 5 feet. The existing east setback is 1 foot. The applicant is proposing 3' 3.5" to accommodate the reconfiguration of existing stairs. The applicant proposes to decrease the encroachment into the side setback by an additional 2 feet, 3.5 inches.
- The required maximum building coverage in the HNC-1 zoning district is 50%, or 2,400 square feet. The existing building coverage is 62.7%, or 3,010 square feet. The applicant is proposing 57.6% or 2,769 square feet. The applicant has proposed to reduce the noncompliance of this standard by approximately 5.1% or 241 SF.
- The required maximum impervious surface ratio in the HNC-1 zoning district is 60% or 2,880 square feet. The existing impervious surface ratio is 92.5%, or 4,442 square feet. The applicant is proposing 82.2%, or 3,946 square feet. The applicant has proposed to reduce the noncompliance by approximately 10.3% or 496 SF.
- The minimum open space ratio is 35%, or 1,680 square feet. The existing open space 5.9%, or 281 square feet. The proposed open space ratio is 13.2%, or 634 square feet. The applicant is proposing to increase (improve) the open space ratio by 7.3% or 353 SF.

### Process:

Planning Board Meeting:	April 21 <sup>st</sup> , 2022
Local Appeal Period:	10 Days
HARC:	TBD
Planning renders to DEO for review:	Up to 45 days

### Staff Analysis - 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.*

Many properties and structures within this district pre-date the requirements of the current Land Development Regulations, and therefore were legally non-complying in the HNC-1 zoning district. This structure, referred to as the Carriage Trade property, first appears in the Sanborn maps in 1889 and the noncomplying features have evolved over time. Although the applicant is seeking variances, the proposed design reduces the noncomplying aspects of the historical property to the greatest extent possible.

#### **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.*

Not all of the requests are the result of the applicant and the property is becoming more conforming, such as the building coverage reduction of 5.1%, the impervious coverage reduction of 10.3%. The open space requirement will improve the property significantly since the existing square footage is low, however it will still not meet the 35% required by Code. There is a decrease into the side yard setback of 2' 3.5". While the proposal in its' entirety may provide safer access and prevent further deterioration of the historic structure, this condition is not met.

#### **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.*

The property is currently nonconforming. Although it is a historic structure, many such structures and properties exist in Key West. No special privileges are conferred with granting the variances.

#### **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 proposal is to request elements that will alleviate safety concerns and to perform needed repairs to the structure and in some respects the property will become more Code compliant. The proposed design reduces the noncomplying aspects of the historical property to the greatest extent possible, while working within the confines of maintaining the historical integrity of the building. A hardship condition exists.

#### **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 variances requested are not the minimum that will make possible the reasonable use of the land, building and/or structure. However, the proposal is to request elements that will alleviate safety concerns and to perform needed repairs to the structure; the property is currently non-compliant.

#### **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 granting of the variance may alleviate some concerns related to the safety and accessibility of the property. There are several noncompliant standards that will improve.

#### **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 nor are they considered grounds for a variance issuance.

#### **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:**

*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 not received any submitted public comment for the variance request as of the date of this report.

**Recommendation:**

The variance requests to the minimum requirements do not meet all the criteria stated in Section 90-395. The Planning Department recommends **denial**. It must be noted, however, that several dimensional standards are improving as a result of this proposed redevelopment.

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

**General Conditions:**

1. The proposed design shall be consistent with the plans signed, sealed, and dated, February 16, 2022, by M. Stratton Architecture for the Carriage Trade Artist’s Residences, 529 Eaton Street.