



THE CITY OF KEY WEST PLANNING
BOARD
Staff Report

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Kimberly Barua, AICP, The Corradino Group

Meeting Date: June 16, 2022

Agenda Item: **Variance- 1212 Von Phister Street (RE#00040650-000000)** - A request for a variance to exceed the allowed front setback and building coverage for a property located within the Single Family (SF) zoning district pursuant to Sections 90-395, Section 122-238 (4)a and Section 122-238 (6)a of the City of Key West Land Development Regulations.

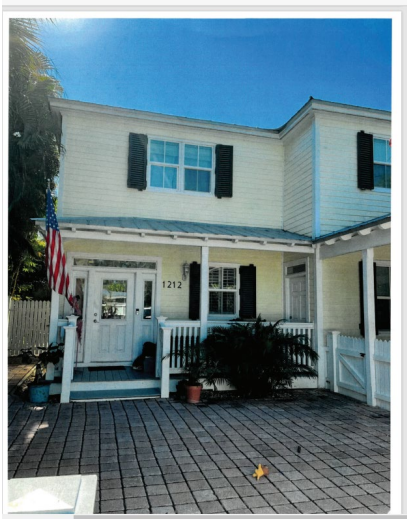
Request: House remodel which increases size and will push front porch forward to encroach 3'3" into front setback.

Property Owners/

Applicant: Leslie and Christopher Johnson/ Smith Hawks PL

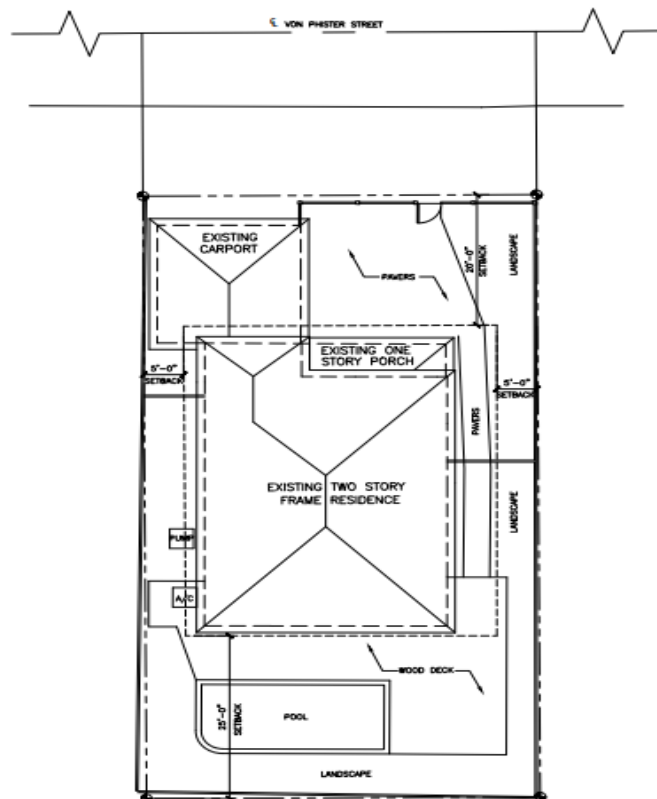
Location: 1212 Von Phister Street (RE# 00040650-000000)

Zoning: Single Family (SF)



Background/Request: The subject parcel is one lot of record and is located within the Single Family (SF) zoning district facing Von Phister Street. The house was built in 2002. The applicant is requesting to remodel the house which would expand kitchen into the existing porch and will push the front porch forward to encroach 3'3" into the front setback. The applicant wants to move the front porch into the front yard. The existing carport will remain.

Current Site Plan, Submitted by Applicant

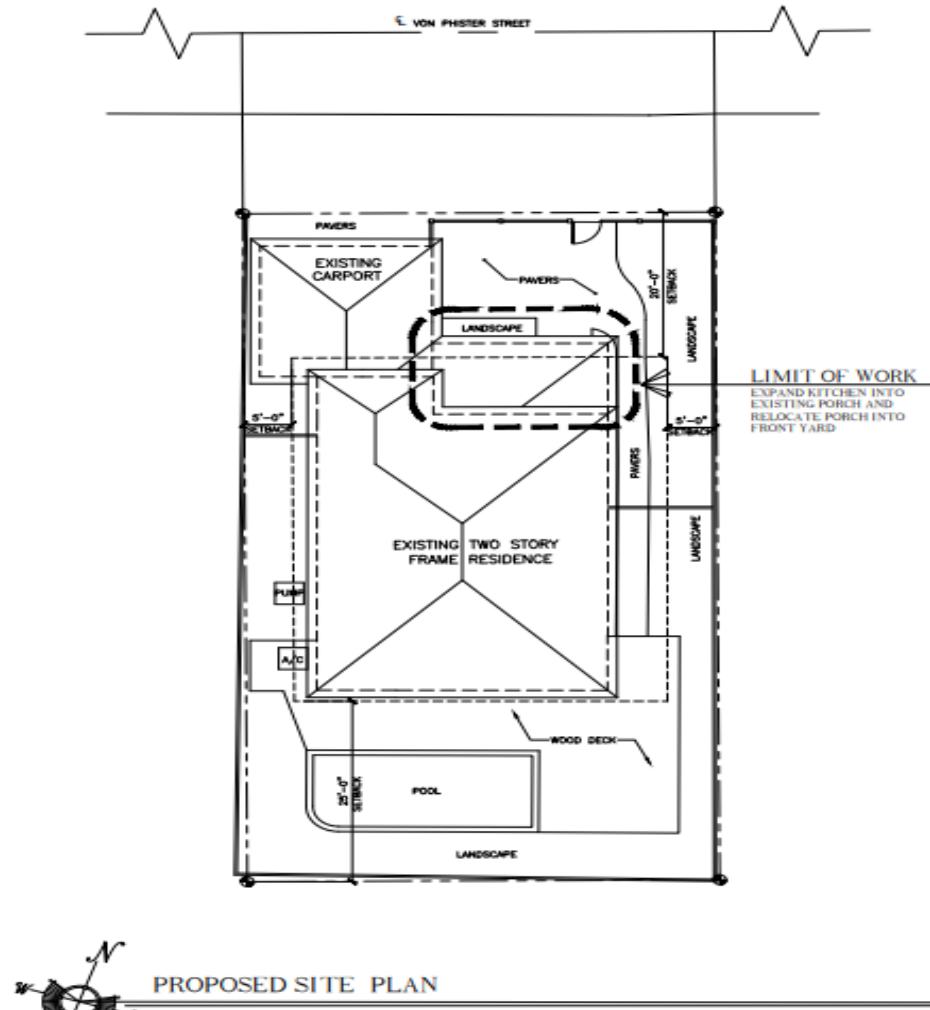


EXISTING SITE PLAN

SITE PLAN BASED ON INFORMATION OBTAINED FROM SURVEY PREPARED BY FLORIDA KEYS
LAND SURVEYING DATED ON 01-22-22.

SCALE: 1/8"=1'-0"

Proposed Site Plans, submitted by the applicant



Site Data Table

	Required/Allowed	Existing	Proposed	Variance Requested
Zoning		SF		
Flood Zone	NA			
Size of Site	6,000 sq ft	4,563 sq ft		
Impervious Surface	50% 2,281 sq ft	61% 2,822 sq ft	61% 2,820 sq ft	Existing non-complying None
Building Coverage	35% 1,597 sq ft	40% 1,835 sq ft	42% 1,933 sq ft	Variance Requested 7 % or 336 sq ft
Open Space Requirement	35% 1,597 sq ft	32% 1,484 sq ft	33% 1,497 sq ft	None
Front Setback	30'	21'	17'	Variance Requested 13'
Left Side Setback	5'	5'	5'	None
Right Side Setback	5'	5'	5'	None
Rear Setback	25'	25'	25'	None

The applicant is requesting a variance pursuant to Section 90-395, Section 122-238 (6)a and Section 122- 238(4)a. of the City of Key West Land Development Regulations:

For the proposed front setback:

30' is required by code; 17' is proposed by the applicant.

For the proposed building coverage:

35% is required by code; 42% is proposed by the applicant.

Process:

Planning Board Meeting: June 16, 2022

HARC: TBD

Local Appeal Period: 10 days

DEO Review Period: up to 45 days

Staff Analysis- Evaluation:

The criteria for evaluating a variance are listed in Sections 122-630 of the City of Key West Land Development Regulations. 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.*

A smaller than average lot for this zoning district is peculiar to the parcel, but very common throughout the City of Key West. The minimum lot size for this zoning district is 6,000 sq ft. The lot size for 1212 Von Phister is only 4,563 sq ft.

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 land development code was adopted in 1986, 86 years after this area was platted. The creation of the current land development code created the noncomplying lot depth which created the special conditions. Although, the proposal of the addition to the home is 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.*

The Land Development Regulations set open space minimums, impervious surface ratios and setbacks to ensure life safety, general welfare, health standards, and aesthetics. The variance requested will allow dimensional standards for the property that are not available to other similarly undersized properties.

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 the other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.*

The current property does not comply with existing zoning code requirements based on lot size, which affects setbacks, building coverage and impervious surface. However, this is common in the City and not a particular hardship.

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 amount necessary to provide for the reasonable use of the property.

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 will be in harmony with the general intent and purpose of the land development regulations. The variance does not appear to be injurious to the area involved or detrimental to the public interest.

IN COMPLIANCE

7. *Existing nonconforming uses of other property shall not be considered as 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 or utility service capacity issues.

The Planning Board shall make factual findings regarding the following:

That the standards established by the City Code have been met by the applicant for a variance.

The standards established by the City Code have not been fully met by the applicant for the variance requested.

That the applicant has demonstrated "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 public comment for the variance request as of the date of this report.

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 or 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 increase or has the effect of the 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 these LDRs.

RECOMMENDATION:

The Variance request for exceeding the allowed front setback and building coverage at a proposed residence does not comply with all the evaluation criteria. The Planning Department recommends **DENIAL**.

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

1. The proposed construction shall be consistent with the plans, signed, sealed and dated 3/17/22 by William P. Horn.