



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** – 2812 Staples Avenue (RE# 00066980-000000)- Variance request for exceeding the allowed maximum building coverage, side setback and rear setback at a residence in the Single Family (SF) zoning district pursuant to Sections 90-395, Sec. 122-238 (6)a., and Sec. 122-238 (4)a. of the City of Key West Land Development Regulations.

Request: Construct a 300 sq addition and ramp to an existing single-family house

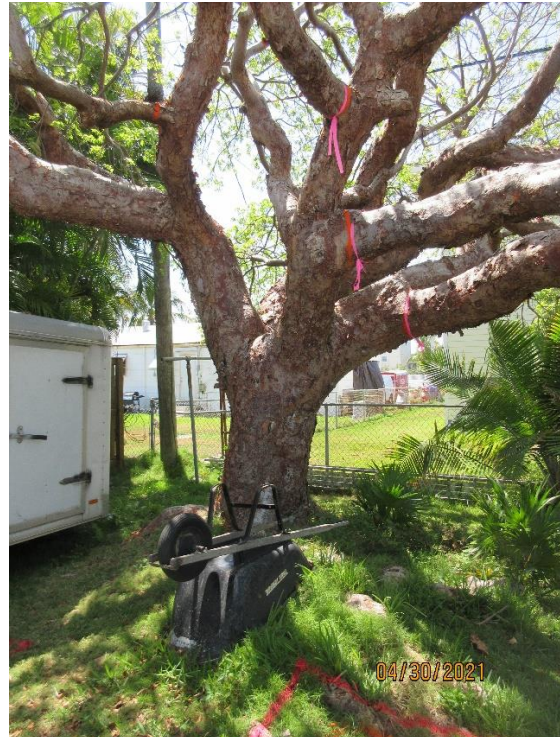
**Property Owners/
Applicant:** Ronald Ramsingh

Location: 2812 Staples Street (RE# 00066980-000000)

Zoning: Single Family (SF)



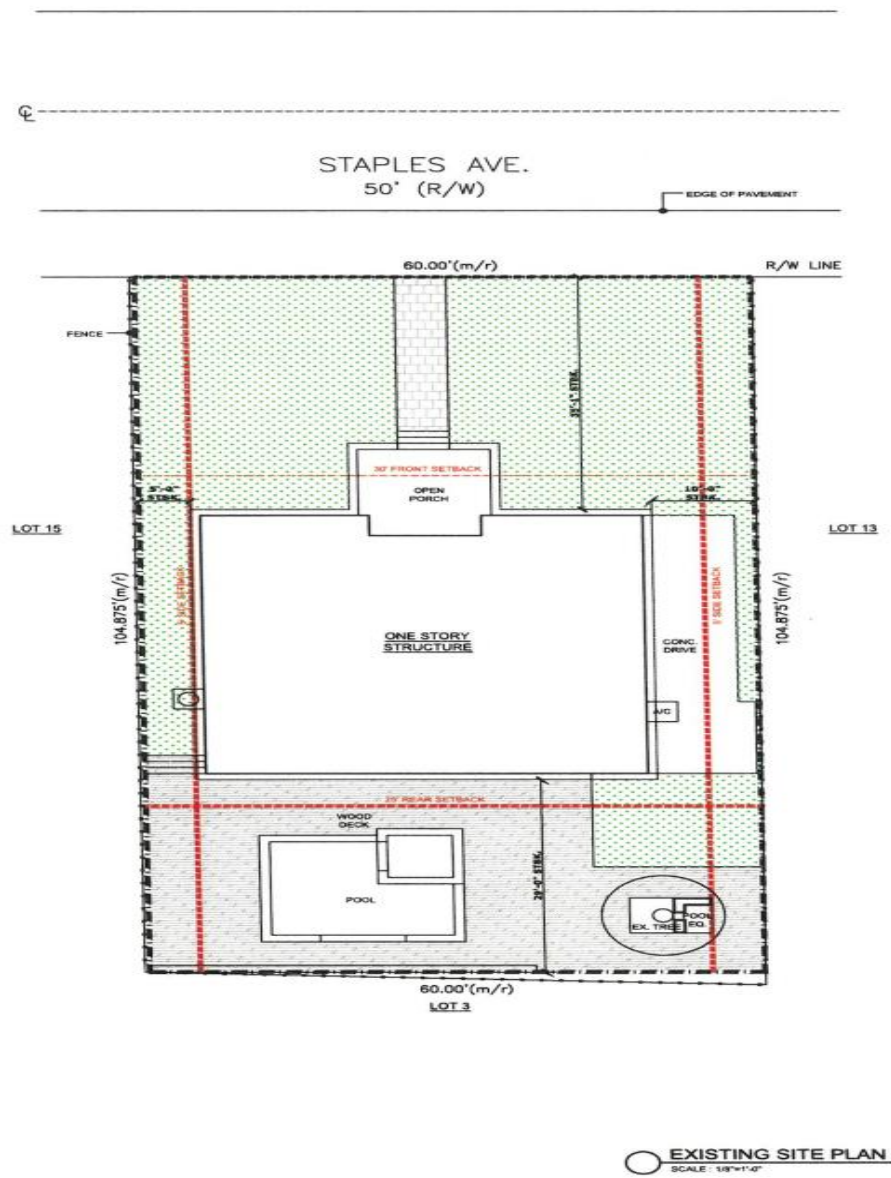
Property at 2812 Staples Avenue



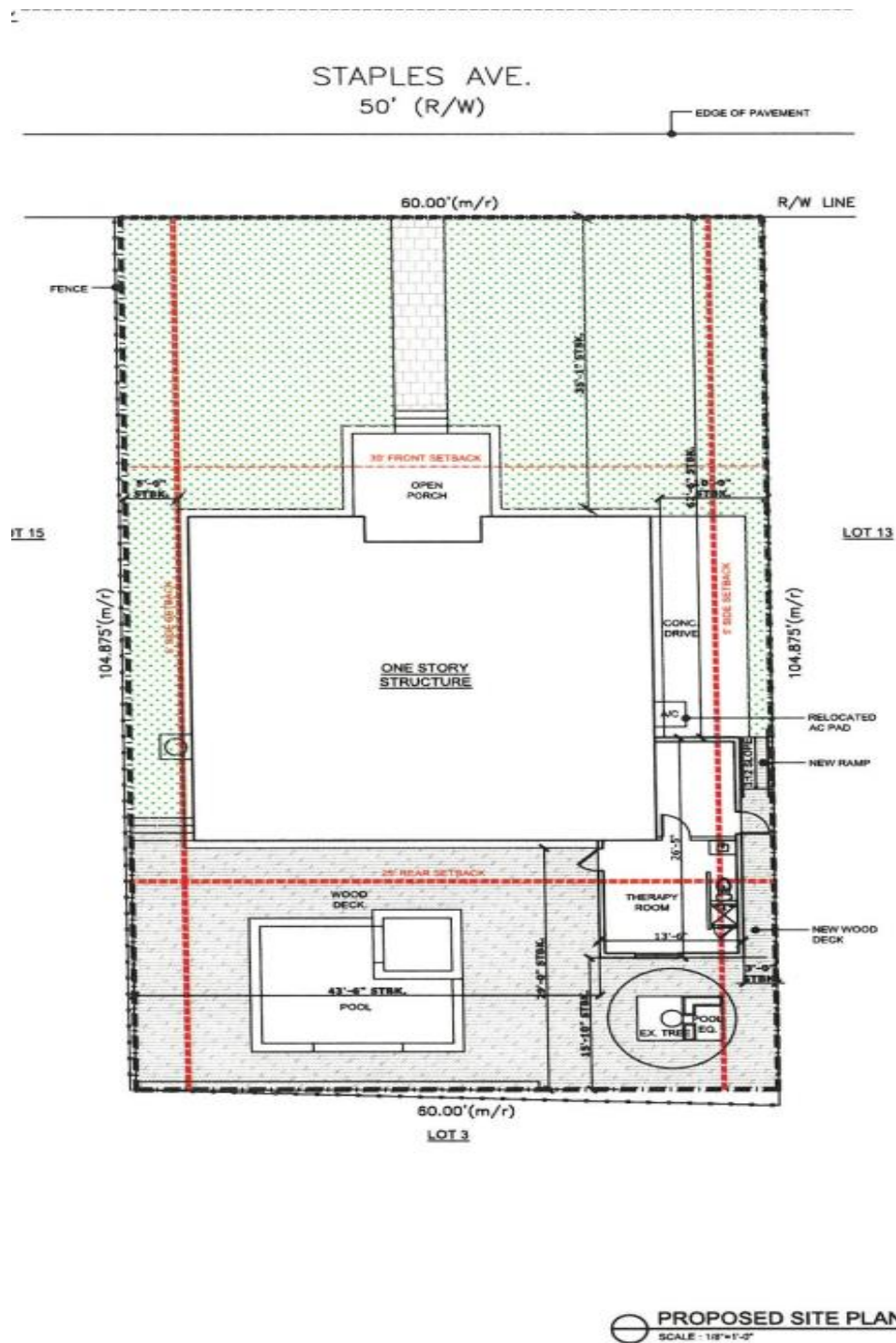
This regulated Gumbo Limbo tree is in the right rear side of the back yard

Background/Request: The subject parcel is one lot of record and is located within the Single Family (SF) zoning district facing Staples Avenue. The lot includes a one-story wood frame structure and backyard deck. The applicant is proposing to build a 300 sq ft addition and ramp. The proposed addition would need a variance as it would not meet building coverage, rear, or side setback requirements. The addition is needed for a family member's medical needs. Also, there is a large, old Gumbo Limbo tree in the left rear area of the property. This tree has an extensive canopy and root system. In 2021, the tree was selectively trimmed, and root pruned in preparation for the construction of the addition. The variance will allow the owner to ensure the regulated tree is preserved.

Current Site Plan, Submitted by Applicant



Proposed Site Plans, submitted by the applicant



Site Data Table

	Required/Allowed	Existing	Proposed	Variance Requested
Zoning		SF		
Flood Zone	AE-8			
Size of Site	6,000 sq ft	6,293 sq ft		
Building Coverage	35% 2,202 sq ft	33% 2,058 sq ft	37% 2,329 sq ft	Variance Needed 2% or 127 sq ft
Impervious Surface	50% 3,145 sq ft	40% 2,796 q ft	47% 3,059 sq ft	In Compliance
Open Space Requirement	35% 2,202 sq ft	58% 3,605 sq ft	53% 3,343 sq ft	In Compliance
Front Setback	30'	35'	35'	In Compliance
Right Side Setback	5'	5'	3'	Variance Needed 2' ft
Left Side Setback	5'	5'	5'	In Compliance
Rear Setback	25'	29'	15'	Variance Needed 10' ft

The applicant is requesting a variance pursuant to Sections 90-395 and 122-238 of the City of Key West Land Development Regulations as noted more specifically below.

For the addition:

The applicant is requesting 37% building coverage. The code requires no more than 35%.

The applicant is requesting 3' side setback. The code requires no less than 5'.

The applicant is requesting 15' rear setback. The code requires no less than 25'.

Process:

Planning Board Meeting: June 16, 2022

HARC: NA

Local Appeal Period: 30 days

DEO Review Period: up to 45 days

Staff Analysis- Evaluation:

The criteria for evaluating a variance are listed in Sections 90-395 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.*

There is a special condition peculiar to the land, structure or building involved which is not applicable to other land, structures, or buildings in the same zoning district. There is a large, regulated Gumbo Limbo tree in the left rear area of the property. This tree has an extensive canopy and root system. In 2021, the tree was selectively trimmed, and root pruned in preparation for the construction of the addition. The applicant has met with the urban forestry manager twice. The urban forestry manager supports the variance request as it will allow the tree to remain in place and thrive and it will allow the property owner the ability to build the needed addition.

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 proposal of the therapy room addition and ramp is needed by the applicant. The medical condition did not result from the action or negligence of the applicant.

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 maximum building coverage and setbacks to ensure life safety, general welfare, health standards, and aesthetics. The intent of the LDRs is being preserved, given there is clearance for fire passage, there are no aesthetic impacts, and the building coverage exceedance is minimal. Given the medical need, and the presence of the large heritage tree, special privileges are not being conferred at this property through this variance request.

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.*

Without the requested variances, the applicant would be unable to accommodate the medical needs of the family. The tree presents a hardship in that a significant portion of

the rear yard is occupied by the tree, and both the property owner and City support preservation of the Gumbo Limbo.

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.*

A 3-foot side setback on a one-story structure provides sufficient passage for 1st responders as well as a 10-foot rear setback. The modestly sized therapy room is a minimal request to accomplish the reasonable use of the home.

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 LDRs and would not be injurious to the area involved or detrimental to the public interest or welfare. The applicant has provided multiple letters of support from neighbors that would be most aware of/impacted by the addition.

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.*

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 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 received eight (8) public comments for the variance request as of the date of this report. All are in favor of the variance application.

2801 Staples Ave	Kathleen Ford
2807 Staples Ave	Kathleen Ford
2808 Staples Ave	Debbie Cooper
2827 Staples Ave	Jamie Snediker
2816 Staples Ave	Ruth Anderson
2815 Staples Ave	Robert Ramey
2811 Staples Ave	Donald Barton
2809 Flagler Ave	Chuck and Mary Ansell

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 proposed improvements on this property are not Code compliant. However, the effect of the proposed renovations associated with this application would improve the lives of the applicant’s family and well-being and would provide for an on-site regulated tree to be protected and maintained. Given that all criteria for variance review compliance have been met the Planning Department recommends **APPROVAL**.

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 3/11/2022 by Serge Mashtakov.