

THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Jordan Mannix-Lachner, Planner I

Meeting Date: November 17, 2022

**Application:** **Variance – 610 Duval Street (RE# 00012600-000000)** – A request for variances to side setback, building coverage, parking, and open space requirements to build a single-family structure on property located in the Historic Residential Commercial Core – 1 Duval Street Gulfside zoning district, pursuant to Sections 90-395, 108-573, 108-575, 122-690(4), 122-690(6), and 108-346(b) of the Land Development Regulations of the City of Key West, Florida.

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**Request:** A request for variances to side setbacks, building coverage, parking, and open space requirements in order to construct a single-family residential structure on a mixed-use parcel at 610 Duval Street.

**Applicant:** Frank D. Strafaci

**Property Owner:** 610 Duval Street, LLC

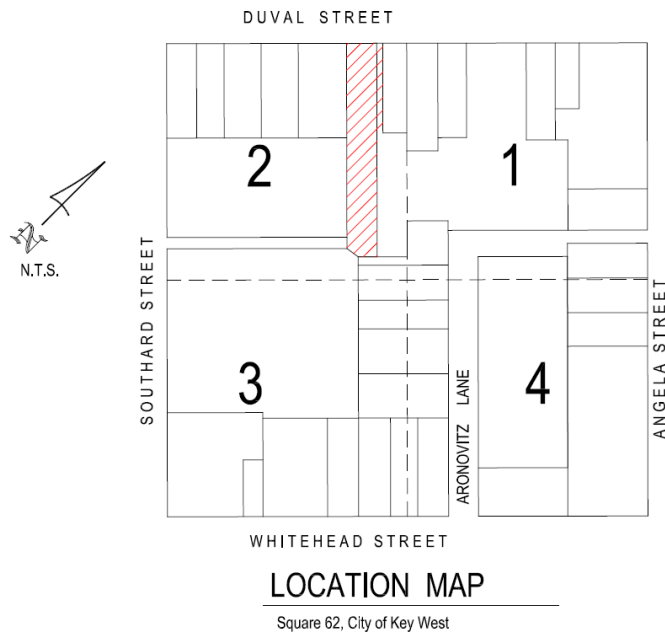
**Location:** 610 Duval Street (RE# 00012600-000000)

**Zoning:** Historic Residential Commercial Core – 1 (HRCC-1)



### Background:

The subject property at 610 Duval Street consists of one 4,475 square foot parcel located in the Historic Residential Commercial Core (HRCC-1) zoning district. The future land use classification is Historic Commercial. The parcel is located within the Key west Historic District and is subject to the Historic Architectural Review Committee Guidelines. The parcel is also located within the historic commercial pedestrian-oriented area.

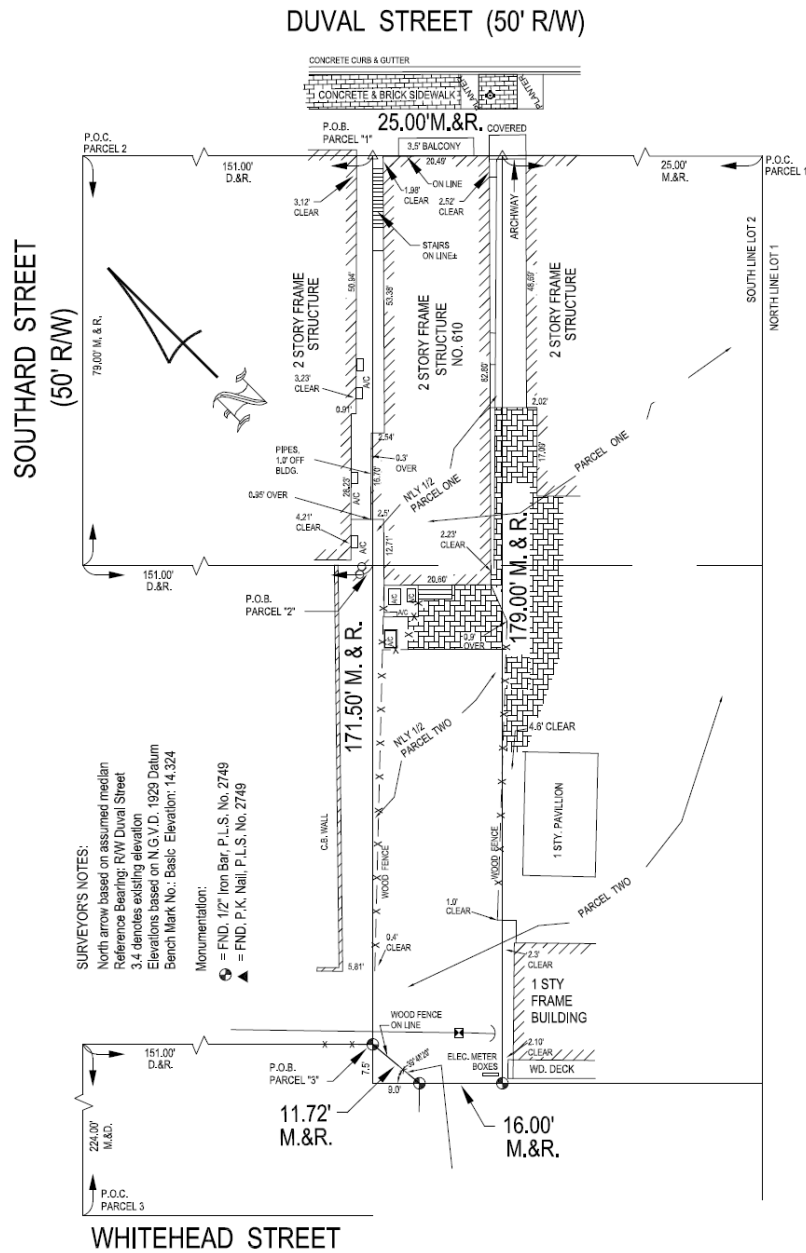


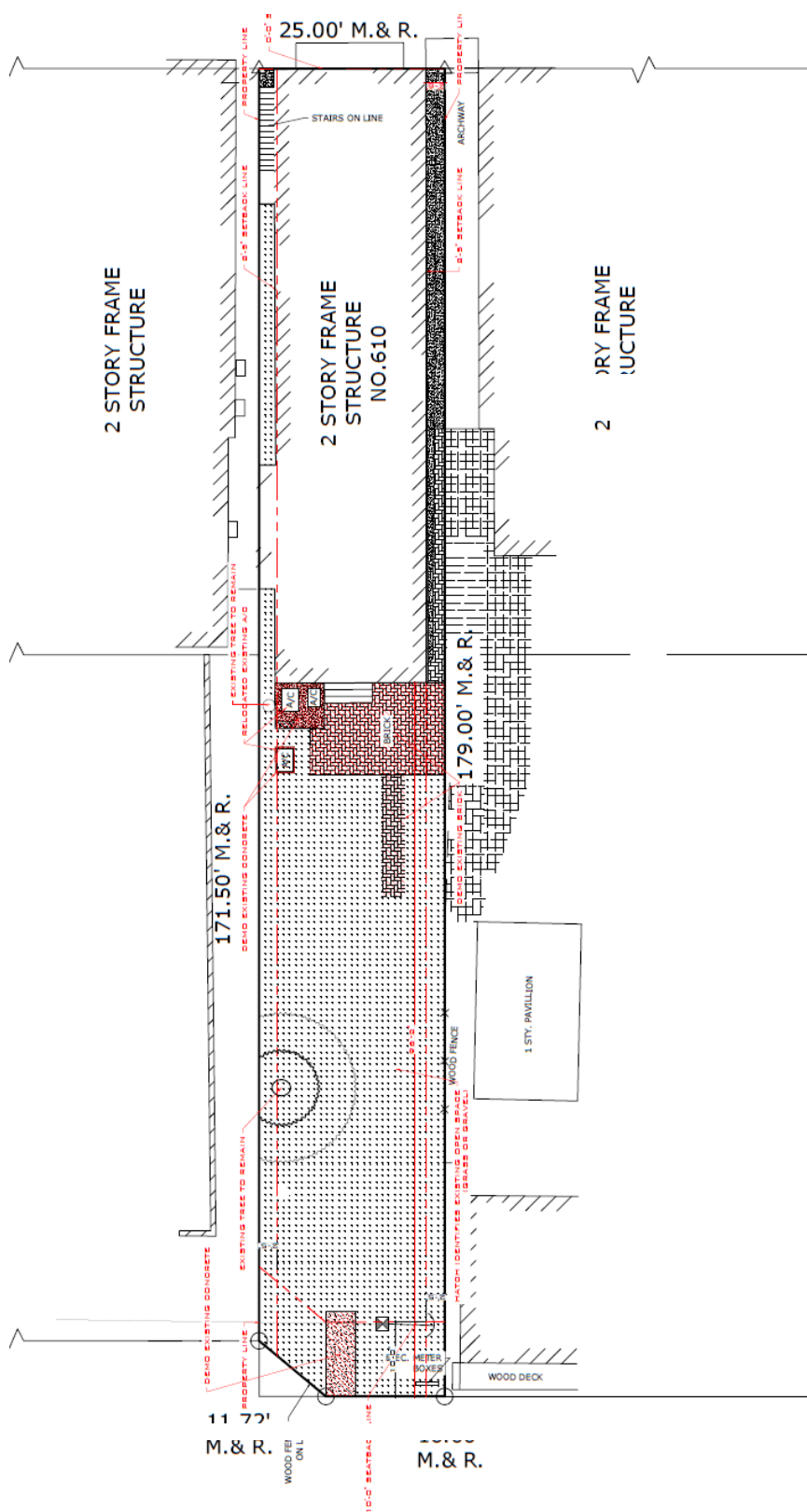
The property contains one historically contributing structure with 3,203 square feet of finished floor area. The first floor consists of a commercial unit which is currently unoccupied. The second floor consists of a non-transient residential unit.

The property has 25 feet of frontage on Duval Street, with an approximate depth of 175 feet. Lang Milian Alley terminates at the parcel's northwest property line at the rear of the property. The property abuts five parcels: 608 Duval Street, 620 Duval Street, 424 Southard Street, 420 Southard Street, and 5 Aronovitz Lane. These neighboring parcels contain mixed uses, including a defunct sandal factory, a parking lot, a bar, a retail store, and a single-family residence.

Two utility easements are associated with the property. There is one easement for the encroachment of 610 Duval Street onto 608 Duval Street.

The property was awarded a BPAS in 2021. This variance request is to accommodate the construction of a new single-family residential structure in the rear of the property.

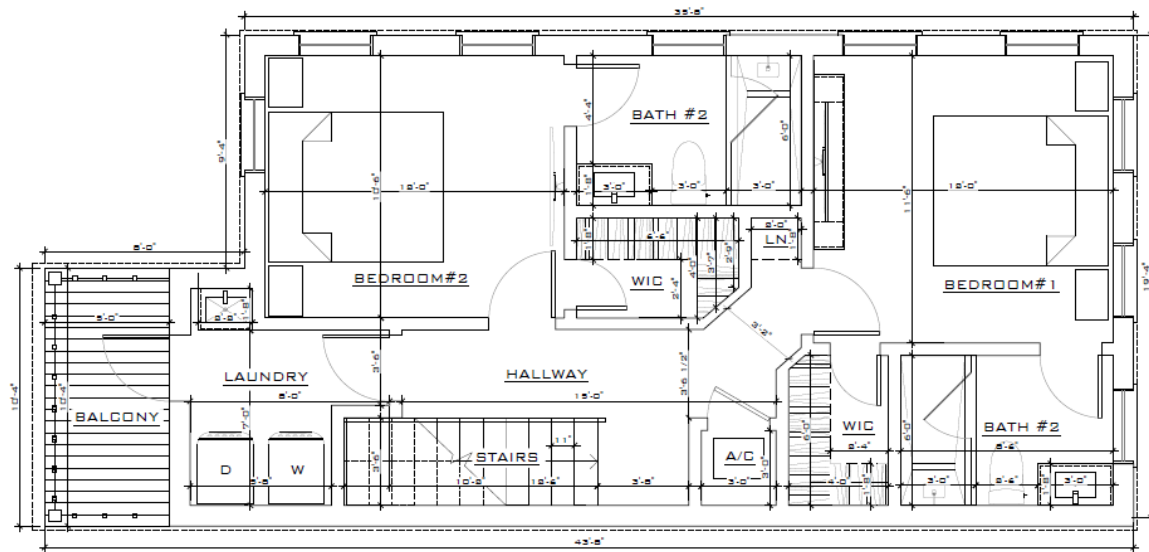




EXISTING SITE PLAN / DEMO  
SCALE: 1/16" = 1'-0"

[illegible]

*Proposed Site Plan – First Floor - dated September 5, 2022*



**PROPOSED 2ND FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

## Site Data Table

The site data table below provides the current and proposed site data for the property. Variances are proposed for building coverage, open space, and parking.

| Site Data Table: 610 Duval Street |                                                                                                                                                              |                                                     |                                                                                     |                                                |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------------------------------------------------|------------------------------------------------|
|                                   | Code Required                                                                                                                                                | Existing                                            | Proposed                                                                            | Variance Request                               |
| Zoning                            | HRCC-1                                                                                                                                                       |                                                     |                                                                                     |                                                |
| Flood Zone                        | X                                                                                                                                                            |                                                     |                                                                                     |                                                |
| Minimum Lot Size/ Size of Site    | 4,000 SF                                                                                                                                                     | 4,440.48 SF                                         | 4,440.48 SF                                                                         | None                                           |
| Front Setback                     | 0.0'                                                                                                                                                         | 0.0'                                                | 0.0'                                                                                | None                                           |
| Side Setback (Southeast)          | 2'6"                                                                                                                                                         | 2'6"                                                | 2'6"                                                                                | None                                           |
| Side Setback (Northwest)          | 2'6"                                                                                                                                                         | 0.0'                                                | 0.0'                                                                                | None                                           |
| Rear Setback                      | 10'                                                                                                                                                          | 96'2"                                               | 33'2"                                                                               | None                                           |
| Building Coverage                 | 50% - 2220.24 SF                                                                                                                                             | 39.74% - 1,764.8 SF                                 | 57.95% - 2,573.7 SF                                                                 | <b>Variance Required<br/>7.95% - 353.46 SF</b> |
| Impervious Surface                | 70% -- 3,108.33 SF                                                                                                                                           | 41.47% - 2,330.0 SF                                 | 70% - 3,108.0 SF                                                                    | None                                           |
| Open Space                        | 20% - Residential<br>35% - Commercial                                                                                                                        | 1,612 SF – Residential<br><br>1,591 SF - Commercial | 3,077 SF – Residential<br><br>1,591 SF – Commercial<br><br>Total: 21.89% - 972.1 SF | <b>359.9 SF – 7.9%</b>                         |
| Parking                           | Residential: 1 space per unit<br>Retail Stores: 1 space per 300 SF of gross floor area, 25% for bicycle parking<br><br>Total: 8 car spaces, 2 bicycle spaces | 2 car parking spaces                                | 2 car parking spaces<br>2 bicycle parking spaces                                    | <b>6 car spaces</b>                            |

Based on the plans submitted, the proposed design would require variances to the following requirements:

- The required maximum building coverage in the HRCC-1 zoning district is 50%, or 2,220.24 square feet. The existing building coverage is 39.74%, or 1,764.8 square feet. The applicant is proposing 57.95% or 3,108.0 square feet. This is 7.95%, or 353.46 square feet, over the maximum.

- The required minimum open space ratio in the HRCC-1 zoning district is 20% for nonresidential uses and 35% for residential uses. The total open space provided by mixed uses shall be based on the percent of total square feet of floor area on site allotted to the respective residential and nonresidential uses. The proposed residential floor area of the property is 3,077 sq ft, or 65.92% of the lot size. The proposed commercial floor area is 1,591 sq ft, or 34.08% of the lot size. This requires 302.66 square feet of open space for the commercial use, and 1,024.51 square feet for the residential use, for a total of 1,327.17 square feet, or 29.89% of the lot size. The existing open space ratio is 46.63%, or 2,070.48 square feet. The applicant is proposing 21.89%, or 972.10 square feet.
- The required side setback in the HRCC-1 zoning district is 2.5 feet. The side setback for the existing structure is 2.5 on the southeast, and 0.0 feet on the northeast. The proposed structure will meet all setback requirements and no construction is proposed on the existing building. Therefore, this project does *not* require a variance for setbacks.
- Two parking spaces are required for the residential units. Six car parking spaces and two bicycle parking space are required for the retail use. The proposed plans provide two parking spaces and six bicycle parking spaces. A variance is required for six car parking spaces.

#### **Process:**

|                                     |                   |
|-------------------------------------|-------------------|
| Planning Board Meeting:             | November 17, 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.*

The lot is 4,440.48 square feet, which exceeds the minimum lot size of 4,000. However, the lot is also narrow (25' depth compared to 40' depth required by Code) and the existing contributing historic structure takes up approximately 40% of the lot. Any new structure or addition would have to be less than approximately 444 square feet in order to meet maximum building coverage requirements. While that would be a small



footprint, a dwelling unit that size is permitted by Code and would not trigger a building coverage variance. The open space requirement could also be reached with a different site plan. Nonconforming lot configurations are common in the zoning district. Therefore, the circumstances that create these conditions are not unique to land in question, and are applicable to other land, structures, or buildings in the same zoning district.

#### **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 request for a variance to building coverage and open space is a result of the applicant's proposal to construct a single-family structure on the property. This variance could be avoided with a smaller residential structure footprint.

The site is located within the historic commercial pedestrian-oriented area, where parking requirements are waived unless there is an expansion of floor area. Any proposal to construct a residential unit on this site, even if it complied with dimensional zoning requirements, would trigger parking requirements for the commercial floor area. The required parking for the existing floor area is in excess of the remaining open space on the property. I

#### **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.*

Granting of a variance to the maximum building coverage and open space regulations would confer upon the applicant special privileges that are denied to other properties in the same zoning district.

The property is located in the historic commercial pedestrian-oriented area. The special provisions for this area reflect a recognition that the historic commercial core is dominated by pedestrian traffic, and that the historic land development pattern often makes the application of contemporary parking requirements either unfeasible or unreasonable.

However, Code also provides that certain development shall nullify the parking exemptions. While parking requirements are waived for other properties in the same district, the waiver is unapplicable if development results in increased floor area or intensity. Therefore, granting of a variance would confer onto the applicant the privilege

to increase floor area with an additional dwelling unit without providing Code-required parking.

#### **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.*

Denial of the building coverage and open space variances would not create undue hardship on the applicant, as the site currently contains both a residential and commercial unit and complies with building coverage and open space requirements.

The lot is currently legal non-complying with respect to parking: there is no parking for the existing dwelling unit or commercial uses. Denial of the parking variance could arguably create undue hardship on the applicant because any proposal to increase floor area by any amount on the site triggers a parking variance. In addition, the existing building is a contributing historic structure.

#### **BUILDING COVERAGE, OPEN SPACE: NOT IN COMPLIANCE PARKING: 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 smaller residential structure would not trigger open space and building coverage variances. Additionally, the plans include a pool and pool deck which also reduces the site's open space ratio.

In order to meet dimensional requirements, the structure would have to have a footprint of approximately 444 square feet, and it can be argued that this is an unreasonably small footprint for a residential structure. However, it is also feasible to build vertically and still obtain the proposed square footage without requiring a variance.

The parking variance is the minimum variance granted that would still allow the applicant to construct the proposed structure on the property. Still, the land itself already contains a residential unit and a commercial unit, so additional development is not required to make reasonable use of the site as a whole.

#### **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 building coverage and open space variance would not be in harmony with the general intent and purpose of the land development regulations; excessive building coverage may contribute to increased stormwater runoff in the area.

Granting of the parking variance is not in line with the land development regulations, which require that expansion in floor area or number of dwelling units trigger parking requirements in the historic commercial pedestrian-oriented area.

#### **PARTIAL 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 building coverage, open space, and parking variances.

*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 received a letter of support from the neighbor at 424 Southard

Street. The Planning Department has not received any submitted public comment in opposition to the variance request as of the date of this report.

**Recommendation:**

The variance request to the building coverage, open space, and parking requirements do not meet all the criteria stated in Section 90-395.

The Planning Department recommends that the request for variances to building coverage, open space, and parking requirements be **denied**.

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, September 9, 2022, by Serge Mashtakov, PE of Artibus Design for the property located at 610 Duval Street.
2. The rear structure shall not be rented to more than four unrelated adults.