

# 1905 Staples Avenue

## Single-Family Home Conditional Use & Variance





# 1905 Staples Avenue - Existing





# Good Neighbor

Neighbor Concern	Proposed Resolution
Parking	Redesigned – 1 space to 4
Architectural style	Redesigned – Reduce mass and scale consistent with character of New Town
Setbacks	Redesigned – Increase setbacks consistent with adjacent residential properties
4-unit apartment building	NA - Single-family home
Transient rental	NA – Permanent housing
Multi-family housing	NA – Single-family home
Height variance	NA – No height variance proposed
11 Roommates	NA – Code allows up to 4 unrelated persons only
Barracks Style building	NA – Single-family home

# Good Neighbor

01/22/23 – 1907 Staples emails City  
02/01/23 - City forwards email to Trepanier  
02/01/23 - Trepanier phones and emails 1907 Staples  
02/02/23 - Trepanier phones and emails 1907 Staples plans – Discusses but unable to resolve concerns  
02/02/23 - Trepanier emails City and 1907 Staples updates  
02/03/23 - 1907 Staples responds to Trepanier's update via email – Could not resolve concerns  
02/10/23 - Trepanier canvassed neighbors within 300ft - delivered notices to all  
02/13/23 – 1904 Staples emails City re: concerns  
02/13/23 – City forwards 1904 Staples email to Trepanier  
02/14/23 – Trepanier meets 1904 Staples in person at 1904 Staples (*under construction*) – Could not resolve concerns  
04/05/23 – Trepanier updates City  
09/01/23 – City emails 1907 Staples for comment  
09/14/23 – 1907 Staples responds to City – Concerns not resolved  
09/15/23 – City enters 1907 Staples response into the record  
09/19/23 – Trepanier notices 1907 Staples public comments on the agenda  
09/19/23 – Trepanier emails 1907 Staples and sends revised plans  
09/30/23 – Pouliot's go door to door to speak with neighbors - well received (the two objectors were not present on their properties at the time)  
10/03/23 – Trepanier follow up on email to Baffer and resends revised plans  
10/11/23 – Baffer responds to Trepanier that concerns are not resolved  
10/11/23 – Trepanier emails Baffer attempting to clarify misconceptions

# Variance

- Front Setback
- Rear Setback
- Side Setback
- Building Coverage
- Lot Size, Length and Width

Same variances  
required if lots had  
not been subdivided  
in 1972

# Variance. Sec. 90-395. Standards, findings.

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## (1) Existence of special conditions or circumstances - **COMPLIES**

- Residentially platted lot
- Subdivided 51 years ago
- Zoned commercial 44 years ago – long before the current LDRs and Comprehensive Plan.
- Property allows 1 residential unit and 2,000 sq. ft. of commercial floor area.
- Subdivision has received city-issued permits and approvals for the subdivided lots repeatedly in the last 51 years, including most recently, BPAS in 2022.
- No claim by the city in the last 51 years that the 1971 subdivision was “illegal” and rendered this lot ineligible for conditional use and variance approval.
- Ample opportunity in 51 years to act on the subdivision, instead numerous permits and approvals granted
- Property owner never notified subdivision was illegal until after the applicant sought relief.
- City not injured or prejudiced.
- The property cannot be reasonably developed under a literal interpretation of code and variances are required to allow minimum relief.

# Variance. Sec. 90-395. Standards, findings.

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## (2) Conditions not created by applicant - **COMPLIES**

The applicant did not create the special conditions relating to this property through his actions or negligence. As stated above, the lot was subdivided 51 years ago and the city has issued numerous permits and approvals to the subdivided lots since that time. The variances requested are for minimum relief to allow reasonable use of the land.

## (3) Special privileges not conferred - **COMPLIES**

Special privileges will not be conferred the development rights for the property allow 1 residential unit and 2,000 sq. ft. of commercial, we are seeking only residential. Only 50% of the property's development rights

# Variance. Sec. 90-395. Standards, findings.

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## (4) Hardship conditions exist - **COMPLIES**

Hardship conditions exist. Literal interpretation allows only 411 sq. ft. of floor area (10% of the property's rights).

## (5) Only minimum variance granted - **COMPLIES**

Variance is requested allows the use of just 50% of the property rights in order to build permanent housing.



# Variance. Sec. 90-395. Standards, findings.

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## (6) Not injurious to the public welfare - **COMPLIES**

In fact, it further the goals of the LDRs, the Comprehensive Plan and the Principals for Guiding Development for the Key West Area of Critical State Concern through the creation of permanent residential housing

## (7) Existing nonconforming uses - **COMPLIES**

Existing nonconforming uses of other property are not the basis for approval

# Conditional Use Approval Criteria

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**B.1.** Scale and intensity of the proposed conditional use as measured by the following:

- a. Floor area ratio (FAR):  $\leq 0.8$  **COMPLIES**
- b. Traffic generation:  $\leq 294$  trips **COMPLIES**
- c. Sq. Ft. of enclosed space by use: 2,094 sq. ft. Residential **COMPLIES**
- d. Proposed employment: **Not Applicable** **COMPLIES**
- e. Proposed number and type of service vehicles: **Not Applicable** **COMPLIES**
- f. Off-street parking needs: 4 on-site spaces **COMPLIES** (Sec. 108-578)

# Conditional Use Approval Criteria

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**B.2.** On- or off-site improvement needs generated by the proposed conditional use and not identified above including the following:

- a. Utilities: **Adequate utilities** **COMPLIES**
- b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in City Code Chapter 94: **None Required** **COMPLIES**
- c. Roadway or signalization improvements, or other similar improvements: **None Required** **COMPLIES**
- d. Accessory structures or facilities: **None Required** **COMPLIES**
- e. Other unique facilities/structures proposed as part of site improvements: **None proposed or required** **COMPLIES**



## Conditional Use Approval Criteria B.3.

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**B.3.** On-site amenities proposed to enhance site and planned improvements, including mitigative techniques such as:

- a. Open space: **52.3% COMPLIES**
- b. Setbacks from adjacent properties: **Consistent with adjacent SFR COMPLIES**
- c. Screening and buffers: **Fully Landscaped COMPLIES**
- d. Landscaping berms proposed to mitigate against adverse impacts to adjacent sites: **Not Required COMPLIES**
- e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts: **No noxious impacts proposed COMPLIES**

# Conditional Use Approval Criteria

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## C.1. Land use compatibility:

- a. Proposed scale and intensity:  $\leq 0.8$  **COMPLIES**
- b. Traffic-generating characteristics;  $\leq 294$  trips **COMPLIES**
- c. Off-site impacts are compatible
  - a. Proposed employment: **Not Applicable** **COMPLIES**
  - b. Proposed number and type of service vehicles: **Not Applicable** **COMPLIES**
  - c. Off-street parking needs: **4 on-site spaces** **COMPLIES** (Sec. 108-578)
- d. Harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity: **Surrounded by residential, under height, compliant parking, bicycle greenway, bike parking, SF-consistent setbacks**  
**COMPLIES**

# Conditional Use Approval Criteria

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**C.2.** Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use:

Size and Shape of site:

- a. Density = **1 unit** **COMPLIES**
- b. Traffic-generating characteristics: **≤ 294 trips** **COMPLIES**
- c. Circulation: **4x's the required parking** **COMPLIES**
- d. Open Space: **COMPLIES**
- e. Landscaping: **COMPLIES**
- f. Off-street parking needs: **4 on-site spaces** **COMPLIES** (Sec. 108-578)



# Conditional Use Approval Criteria

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C.3. Proper use of mitigative techniques.

Off-street parking needs: **4 on-site spaces** **COMPLIES** (Sec. 108-578)

C.4. Hazardous waste

**None expected or anticipated** **COMPLIES**

C.5. Compliance with applicable laws and ordinances

**“As a single-family unit, the use must comply with all applicable laws and regulations that would be required.”** **COMPLIES**

C.6.a. Land uses within a conservation area:

**Not Applicable** **COMPLIES**

# Conditional Use Approval Criteria

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## C.6.b. Residential development:

- Setbacks: **Consistent with adjacent SFR** **COMPLIES**
- Open Space: **52%** **COMPLIES**
- Height: **39.2ft** **COMPLIES**
- Mass of building: **Redesigned to meet character of neighborhood** **COMPLIES**
- Open space: **COMPLIES**
- Land use compatibility: **Redesigned for compatibility** **COMPLIES**

# Conditional Use Approval Criteria

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## C.6.b. (cont.) Residential development:

- Protection of historic resources: **Not Applicable** **COMPLIES**
- Subdivision of land: **1972 Subdivision**
- Access: **SFR driveway** **COMPLIES**
- Internal circulation: **SFR Parking** **COMPLIES**
- Off-street parking: **SFR Parking 1 space required, 4 proposed** **COMPLIES**
- Landscaping: **COMPLIES**
- Design amenities: **Tree retention, bike parking, open space...** **COMPLIES**



# Conditional Use Approval Criteria

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C.6.c. Commercial or mixed-use development:

**Not Applicable** **COMPLIES**

C.6.d. Development within or adjacent to historic district:

**Not Applicable** **COMPLIES**

C.6.e. Public facilities or institutional development:

**Not Applicable** **COMPLIES**

C.6.f. Commercial structures use and related activities within tidal waters:

**Not Applicable** **COMPLIES**

C.6.g. Adult entertainment establishments:

**Not Applicable** **COMPLIES**

# Approval Conditions

## General Conditions:

1. The proposed construction shall be **generally** consistent with the plans, signed, sealed and dated 7/22/2023 by Artibus Design for 1905 Staples Avenue.
2. **Applicant shall apply for a subdivision or subdivision waiver prior to the issuance of a building permit.**

## ~~Conditions prior to obtaining a Building Permit:~~

- ~~2. Solid waste and recycle service will need to be set up through Waste Management.~~
- ~~3. A swale with 106 cubic feet of retention capacity is required. Swale scale and locations should be adjusted and/or reduced in coordination with the Urban Forestry Manager and City Utilities to avoid impact to tree roots.~~
- ~~4. Plans for construction must contain best management practices details for soil erosion and sediment control, and location for concrete truck wash-out.~~
- ~~5. Installation of a new sewer cleanout must be coordinated through the City Utilities Department.~~
- ~~6. A final landscape plan will be reviewed and approved by the Urban Forestry Manager.~~

## ~~Conditions prior to issuance of a Certificate of Occupancy and/or Business Tax Receipt:~~

- ~~7. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance Department shall inspect the property on an annual basis upon reasonable notice to determine compliance with the conditions of the Planning Board resolution.~~
- ~~8. The required landscape buffer shall be planted, inspected and approved by the Urban Forestry Manager.~~

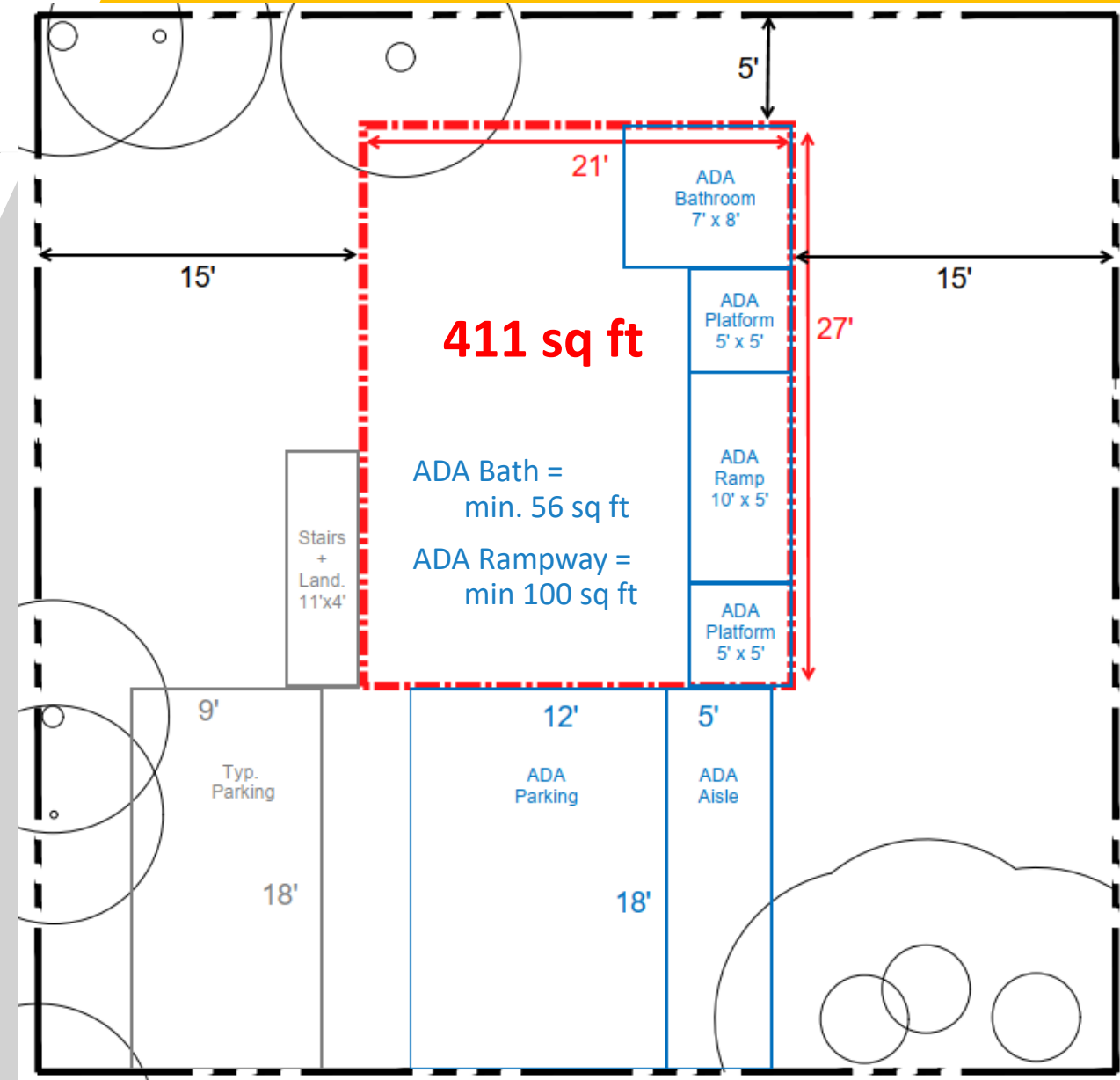
# 1905 Staples Avenue

## Single-Family Home Conditional Use & Variance



# Reasonable Use

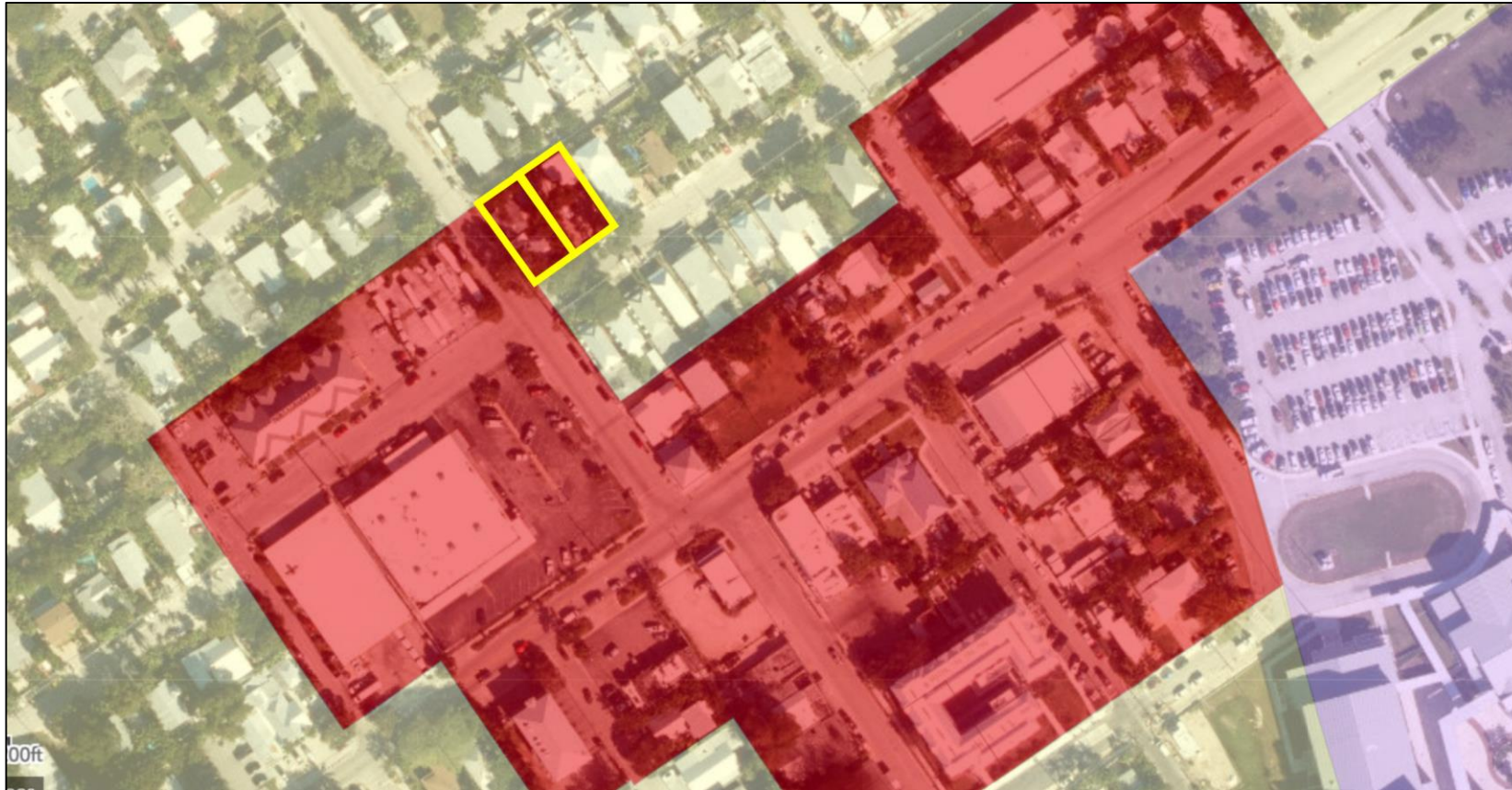
- Literal Interpretation = 411 sq. ft. of Effective Floor Area





# Lot Configuration 1905

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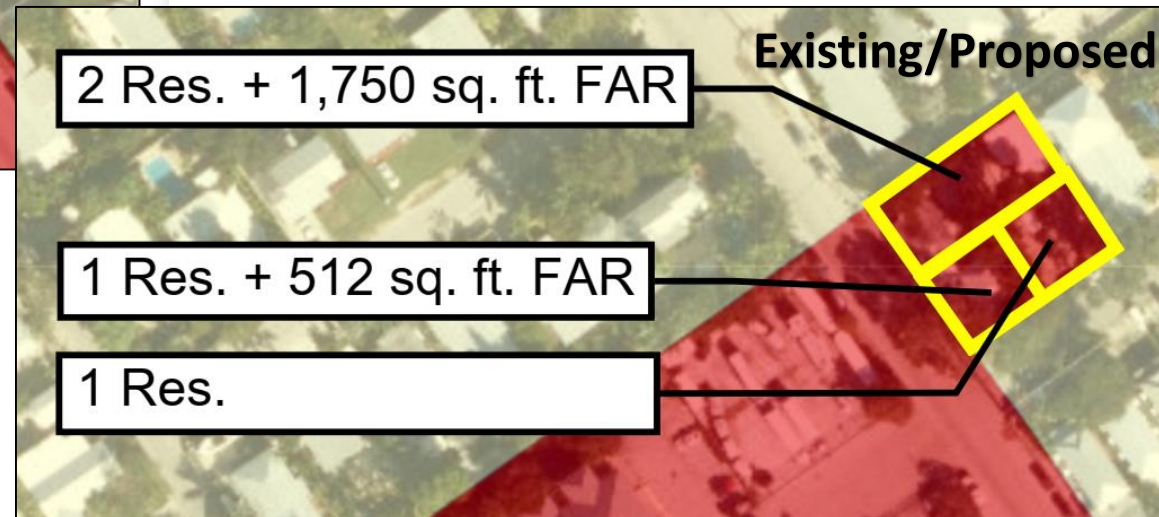
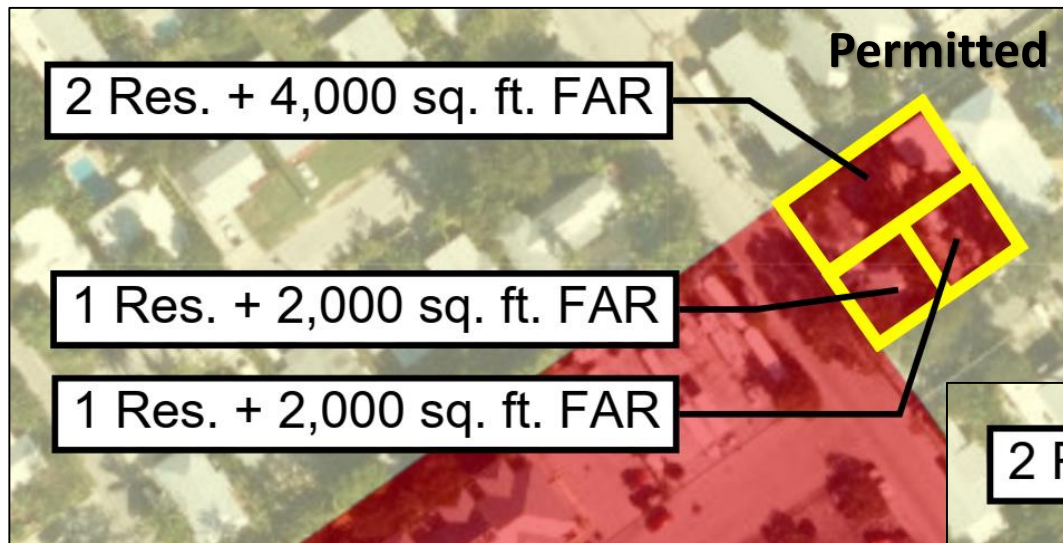
# Lot Configuration 1972

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# Development Permitted & Existing/Proposed



# Neighbor Character

RMT = Roommate-Designed

 = Neighbors with concern (1904 & 1907)

Single Family	Vacant
Duplex or 2-Units	Public / Semi-Public
3+ Units	Commercial
Mixed Use	Industrial

