**RESOLUTION NO. 2026-___**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA, GRANTING/DENYING A REQUEST FOR A HEIGHT VARIANCE OF FOUR FEET, ZERO AND ONE-QUARTER INCHES (4'-¼") ABOVE THE MAXIMUM HEIGHT PERMITTED IN THE MDR-1 (MEDIUM DENSITY RESIDENTIAL) ZONING DISTRICT FOR PROPERTY LOCATED AT 3401 DUCK AVENUE, ALSO KNOWN AS 1621–1622 SPALDING COURT (RE# 00064740-000000), IN ORDER TO ACCOMMODATE ROOFTOP MECHANICAL EQUIPMENT AND ELEVATOR OVERRUN ASSOCIATED WITH THE REDEVELOPMENT OF THE POINCIANA ROYALE II STRUCTURE PURSUANT TO SECTIONS 90-391 AND 90-395 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR FINDINGS OF FACT, CONCLUSIONS OF LAW; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Applicant, Richard McChesney, on behalf of the City of Key West, submitted an application requesting a height variance of four feet, zero and one-quarter inches (4'-0¼") above the maximum height permitted in the MDR-1 zoning district to accommodate rooftop mechanical equipment and elevator overrun associated with the redevelopment of the Poinciana Royale II structure within the Poinciana Housing Complex; and

WHEREAS, the subject property is located at 3401 Duck Avenue, also known as 1621–1622 Spalding Court (RE# 00064740-000000), and is zoned Medium Density Residential (MDR-1); and

WHEREAS, the proposed variance request was submitted pursuant to Sections 90-391 and 90-395 of the Code of Ordinances of the City of Key West, Florida, and Section 122-280 of the Land Development Regulations; and

WHEREAS, City Charter Section 1.05 authorizes the Board of Adjustment to grant height variances for non-habitable purposes, provided the criteria for a variance are satisfied; and

WHEREAS, The Board of Adjustment has reviewed the application, staff report, applicable code provisions, and all materials submitted into the record, and has conducted a duly noticed public hearing; and

WHEREAS, Section 90-395 of the Code of Ordinances requires that all variance criteria be satisfied in order for a variance to be granted;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA, THAT:

Section 1. Based upon competent and substantial evidence in the record, the Board of Adjustment finds that the applicant **has/ has not** satisfied the conditions of Section 90-395 of the Code of Ordinances (the "Code") of the City of Key West, Florida (the

"City") and therefore **has/ has not** met the requirements established by Code Section 90- 274;

Section 2. The request for a height variance of four feet, zero and one-quarter inches (4'-1/4") above the maximum permitted height in the MDR-1 zoning district for the property located at 3401 Duck Avenue (RE# 00064740-000000) is hereby **granted/denied.**

Section 3. That this **denial/approval** is subject to the following conditions:

This height variance shall only be for the 4'-¼" increase in height of non-habitable space to be used for locating mechanical equipment (HVAC) and elevator shaft overrun in accordance with signed and sealed development plans for this site.

Section 4. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 5. This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective

for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period, the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

** REMANINDER OF PAGE INTENTIOANLLY LEFT BLANK **

Passed and adopted by the Board of Adjustment at a meeting held this _____ day of _____, 2026.

Authenticated by the Presiding Officer and Clerk of the Board on _____day of _____, 2026.

Filed with the Clerk on _____, 2026.

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| Chair Danise Henriquez | _____ |
| Vice Chair Donald “Donie” Lee | _____ |
| Commissioner Lissette Carey | _____ |
| Commissioner Aaron Castillo | _____ |
| Commissioner Monica Haskell | _____ |
| Commissioner Sam Kaufman | _____ |
| Commissioner Greg Veliz | _____ |

_____
DANISE HENRIQUEZ, Chair

ATTEST:

_____
KERI O’BRIEN, CITY CLERK