THE CITY OF KEY WEST

PLANNING BOARD

Staff Report

To:	Chairman and Planning Board Members
Through:	Taylor Brown, Planning Director
From:	Sheetal Almas, Planner I
Meeting Date:	July 16, 2026
Application:	**Variance - 3206 Eagle Ave (RE# 00052890-000400)** Applicant requests a variance to the minimum required side yard setback, maximum building coverage, and maximum impervious surface percentage to replace a storage shed at an existing single-family residential property located in the Medium Density Residential Zoning District (MDR) pursuant to sections 90-395 and 122-270 of the Code of Ordinances of the City of Key West, Florida.
Request:	The applicant requests variances to the minimum required side yard setback, maximum building coverage, and maximum impervious surface percentage to remove an existing 8-foot by 10-foot plastic storage shed and replace it with an 8-foot by 10-foot (same size) wood storage shed.
Applicant:	William Rowan
Property Owner:	Jean V Charles and Marie M Charles
Zoning:	Medium Density Residential (MDR)

Background & Request

The subject property is located at 3206 Eagle Avenue (RE# 00052890-000400) within the Medium Density Residential (MDR) zoning district. The property is developed with a two-story single-family residence constructed in 1988 on a 1,718-square-foot lot. The property owner acquired the property in 2006. The property is one of several townhouse-style attached single-family residences within the development.

An existing 8-foot by 10-foot plastic storage shed is located in the right rear portion of the property. According to the applicant, the existing shed was damaged beyond repair after a neighboring coconut tree fell onto it. The submitted plans propose replacing the existing shed with an 8-foot by 10-foot wood storage shed in substantially the same location.

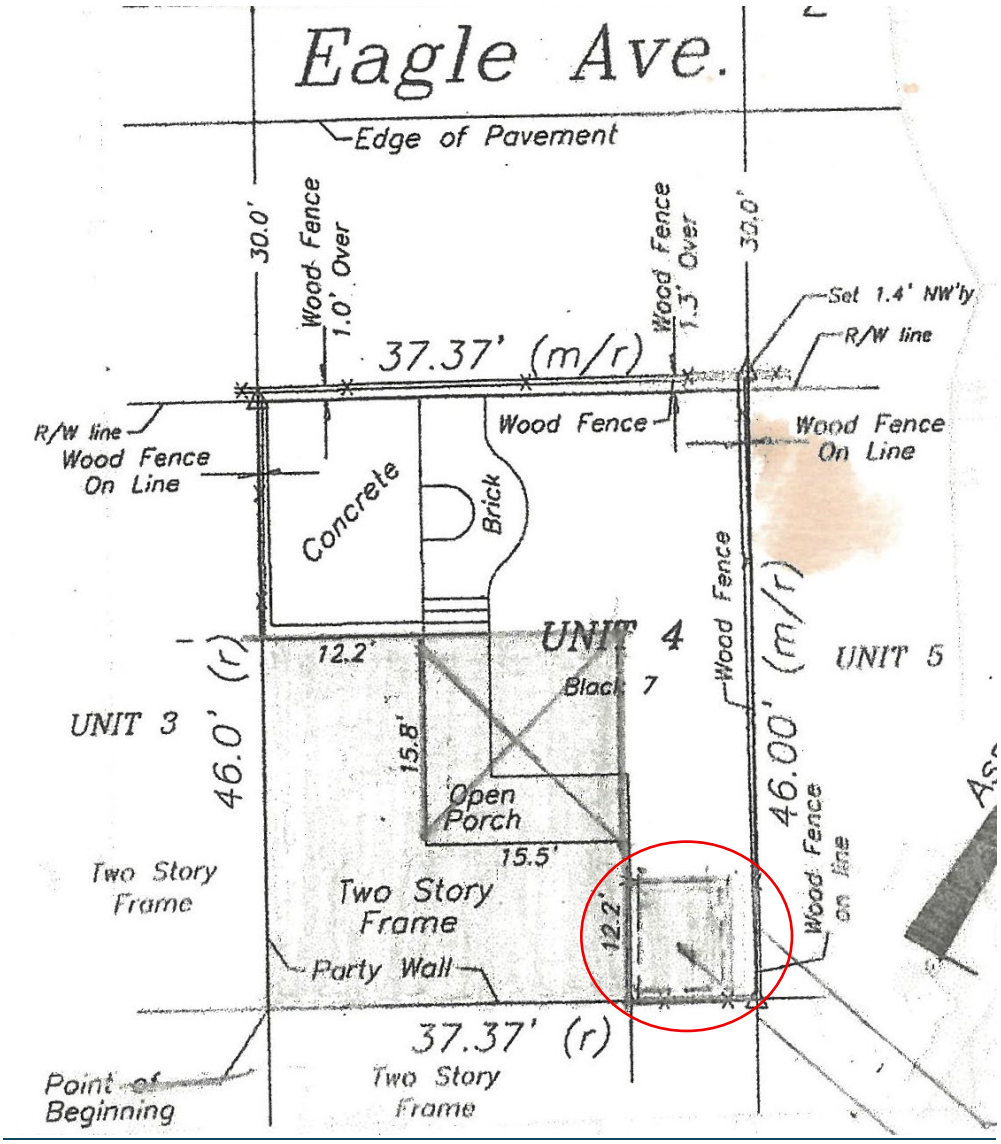
Within the MDR zoning district, accessory structures are subject to minimum setbacks, maximum building coverage, and maximum impervious surface requirements. The existing shed occupies a noncomplying location on the property. Pursuant to **Section 122-32(a)** of the City of Key West Code of Ordinances, a noncomplying structure may continue; however, replacement of a noncomplying structure that does not decrease the existing noncompliance requires variance approval. Accordingly, pursuant to Sections 122-270 and 122-32(a) of the City of Key West Code of Ordinances, the applicant requests variances from the required side yard setback, maximum building coverage, and maximum impervious surface requirements to allow the replacement of the existing 8-foot by 10-foot plastic storage shed with an 8-foot by 10-foot wood storage shed, as shown on the submitted plans.

SITE DATA

Zoned	Permitted	Existing	Proposed	Variance?
Lot Size	21,780 sq. ft. Min	1,718	No Change	No
Building Coverage	35% Max	44.6%	44.6%	YES

Impervious Surface	50% Max	64% (1,100 sq. ft.)	65% (1,116 sq. ft.)	Yes
Open Space	50% Min	36%.	35%	No
SETBACKS				
Front Setback	30’	1’ 8’	No Change	No
Side Setback	7’	1’ 2”	1’ 2”	Yes
Rear Setback	20 ft (15 ft if abutting an alley)	0”	No Change	No

Survey/ Site Plan



Process:

Planning Board Meeting:	July 16, 2026
Local Appeal Period:	10 Days
Planning renders to DOC for review:	Up to 45 days

Staff 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 subject property is a 1,718-square-foot lot developed with a two-story single-family residence as part of a townhouse-style attached residential development. The lot was developed in a consistent pattern with similarly situated attached residences on relatively small lots, resulting in limited yard area. The existing storage shed is located in the right rear portion of the property and occupies a noncomplying location. The requested variances are associated with the replacement of the existing noncomplying shed and are influenced by the property's size, configuration, and established development pattern, which constitute conditions peculiar to the property.

   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 special conditions are associated with the property's existing development pattern, lot size, and the location of the existing noncomplying storage shed, all of which predate the applicant's ownership. According to the applicant, the existing plastic storage shed was damaged beyond repair after a neighboring coconut tree fell onto it. The requested variances result from the replacement of the existing noncomplying shed and are not the result of actions or negligence by 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.*

   Granting the requested variances will not confer a special privilege upon the applicant that is denied to other properties in the Medium Density Residential (MDR) zoning district. The request is limited to the replacement of an existing noncomplying storage shed with the same 8-foot by 10-foot storage shed of the same size in substantially the same location. The variances recognize the property's existing conditions and do not authorize an expansion of the noncomplying footprint or intensity of use beyond that proposed in the application.

   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.*

   A literal interpretation of the Land Development Regulations would prevent the replacement of an existing noncomplying storage shed serving the single-family residence. The subject property is a 1,718-square-foot lot developed with a two-story single-family residence, resulting in limited yard area. The existing storage shed occupies a noncomplying location on the property, and its replacement triggers the requested variances pursuant to Section 122-32(a) of the Code of Ordinances. The applicant is not proposing to enlarge the existing storage shed, expand its footprint, or increase the degree of the existing noncompliance, but rather to replace the damaged structure with a new shed of the same size in substantially the same location. Granting the requested variances would allow the continued use of an accessory storage structure while recognizing the property's existing development pattern and existing noncomplying conditions.

   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 applicant proposes to replace the existing 8-foot by 10-foot storage shed with an 8-foot by 10-foot wood storage shed of the same size, as shown on the submitted plans. The request does not propose to increase the size or intensity of the existing accessory structure. Staff finds that the requested variances represent the minimum relief necessary to allow the proposed replacement.

   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 proposed replacement shed is the same size as the existing shed and is not expected to be injurious to the surrounding area or otherwise detrimental to the public interest or welfare because it does not increase the size, intensity, or degree of noncompliance.

   IN COMPLIANCE

7. *Existing nonconforming uses of other property are 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 nonconforming uses or structures on neighboring properties are not the basis for this variance 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:

1. *That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.*

   Staff has found that the standards established by Section 90-395 of the City Code have been met by the applicant.

2. *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.*

   As of July 9, 2026, staff has received 2 letters of support.

Recommendation:

The proposed variance would allow replacement of an 8-foot by 10-foot shed. The request does not involve an expansion of the existing structure or encroachment, and staff finds that the variance request meets all the criteria stated in Section 90-395 of the City Code. Therefore, the Planning

Department recommends that the request for a variance to allow the replacement of the existing storage shed in substantially the same location at the property located at 3206 Eagle Avenue be APPROVED.

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

General Conditions:

1. The proposed work shall be consistent with the signed and sealed plans dated April 20, 2026, by William Rowan.