RESOLUTION NO. 2026-017

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD APPROVING VARIANCES FOR A PROPERTY LOCATED AT 3206 EAGLE AVENUE. 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.

WHEREAS, the subject property is located at 3206 Eagle Avenue in the Medium Density Residential Zoning district; and

WHEREAS, the request is to replace an existing eight-foot by ten-foot plastic storage shed with a new eight-foot by ten-foot wood storage shed in substantially the same location; and

WHEREAS, the property owner requests variances from the minimum required side yard setback from the required seven (7) feet to the existing and proposed one (1) foot two (2) inches, from the maximum building coverage of thirty-five (35) percent to the existing and proposed forty-four and six-tenths (44.6) percent, and from the maximum impervious surface limitation of fifty (50) percent to the existing sixty-four (64) percent and proposed sixty-five (65) percent to allow the replacement of an existing eight-foot by ten-foot plastic storage shed with an eight-foot by ten-foot wood storage shed;

WHEREAS, Section 122-32(a) of the Code of Ordinances provides that a noncomplying

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structure may continue, but replacement of a noncomplying structure that does not decrease the existing noncompliance requires variance approval; and

WHEREAS, the Key West Planning Board (the "Board") finds that circumstances exist which are peculiar to the land, structure, or building involved and that special conditions exist which are not applicable to other land, structures, or buildings in the same district; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 16, 2026; and

WHEREAS, the Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Board finds 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; and

WHEREAS, the Board finds 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; and

WHEREAS, the Board finds that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Board finds 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; and

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WHEREAS, the Board finds that 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 are grounds for the issuance of the requested variances; and

WHEREAS, the Board finds that the applicant has satisfied the conditions of Section 90-395 of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City"); and

NOW, THEREFORE BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That the City of Key West Planning Board hereby approves the requested variances from the minimum required side yard setback, maximum building coverage, and maximum impervious surface requirements to allow the replacement of an existing 8-foot by 10-foot plastic storage shed with an 8-foot by 10-foot wood storage shed at an existing single-family residential property located in the Medium Density Residential (MDR) zoning district, pursuant to Sections 90-395, 122-32, and 122-270 of the Code of Ordinances of the City of Key West, Florida.

General Conditions:

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

Section 3. It is a condition of this variance that full, complete and final application for all conditions of this approval for any use and occupancy for which this variance is wholly or

partly necessary, shall be submitted in its entirety within two years after the date hereof; and further, that no application shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

Section 5. This variance does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 6. 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 Board.

Section 7. 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 Commerce. 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 DOC with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period, the DOC 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

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until the appeal is resolved by agreement or order.

Read and passed at a regularly scheduled meeting held this 16th day of July, 2026.

Authenticated by the Chairman of the Planning Board and the City Planner;

Freddy Varela, Planning Board Vice Chairman Date

Attest:

Taylor Brown, City Planner

Date

Filed with the Clerk:

Keri O'Brien, City Clerk Date

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