THE CITY OF KEY WEST

PLANNING BOARD

Staff Report

To: Chairman and Planning Board Members

Through: Taylor Brown, Planning Director

From: James Singelyn, Senior Planner

Meeting Date: August 20, 2026

Application: **Variance – 624 United Street (RE# 00036450-000000)**
A request for a variance from the minimum side yard setback requirements to allow the relocation of an existing residential structure forward on the property located in the Historic Residential Office (HRO) zoning district, pursuant to Sections 90-395 and 122-930(6)(b) of the Code of Ordinances of the City of Key West, Florida.

Request: The applicant is proposing to relocate an existing residential structure approximately 23 feet 8 inches forward on the lot. The revised project also includes renovation of the principal structure, construction of a one-story rear addition, and construction of a new pool and deck. The proposed relocation requires a variance from the minimum side yard setback requirements. The revised plans would result in the following setbacks:

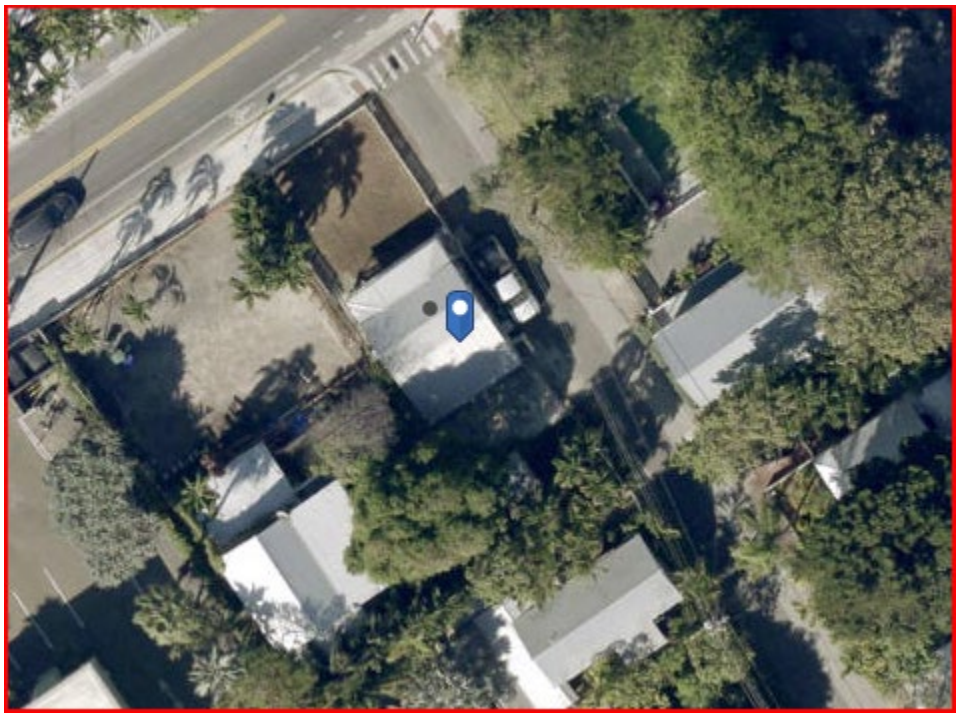
- Front setback: Existing 33 feet 4½ inches; Proposed 5 feet 11 inches
- Elizabeth Street side: Existing 3 feet 2 inches; Proposed 3 feet 2¼ inches
- West side: Existing 2 feet 10½ inches; Proposed 3 feet 1½ inches

Accordingly, the proposed improvements would reduce the existing side-yard encroachment by approximately ¼ inch along the Elizabeth Street side and approximately 3 inches along the west side.

Applicant: Greg Oropeza

Property Owner: Kingsley Girl LLC.

Zoning: Historic Residential Office (HRO)



Background & Request

The existing residence located at 624 United Street is legally nonconforming with respect to required yard setbacks under the City of Key West Land Development Regulations (LDRs). The structure predates the adoption of the applicable setback requirements and is therefore permitted to remain in its current nonconforming condition.

The revised project proposes to relocate the existing residential structure approximately 23 feet 8 inches forward on the property. In conjunction with the relocation, the applicant proposes renovations to the principal structure, a one-story rear addition, and a new pool and deck. The proposed relocation would substantially alter the structure's existing location on the lot and establish a new building footprint.

The revised plans show an existing front setback of 33 feet 4½ inches and a proposed front setback of 5 feet 11 inches. Along the Elizabeth Street side, the existing setback is 3 feet 2 inches and the proposed setback is 3 feet 2¼ inches, representing an improvement of approximately ¼ inch. Along the west side, the existing setback is 2 feet 10½ inches and the proposed setback is 3 feet 1½ inches, representing an improvement of approximately 3 inches.

The applicant contends that a variance is not required for the proposed improvements, citing Section 122-32 of the LDRs, which allows for alterations to nonconforming structures without variance approval, provided such alterations reduce the degree of noncompliance. Staff is in agreement that the proposed design would result in a measurable reduction in the extent of the existing side-yard setback encroachments.

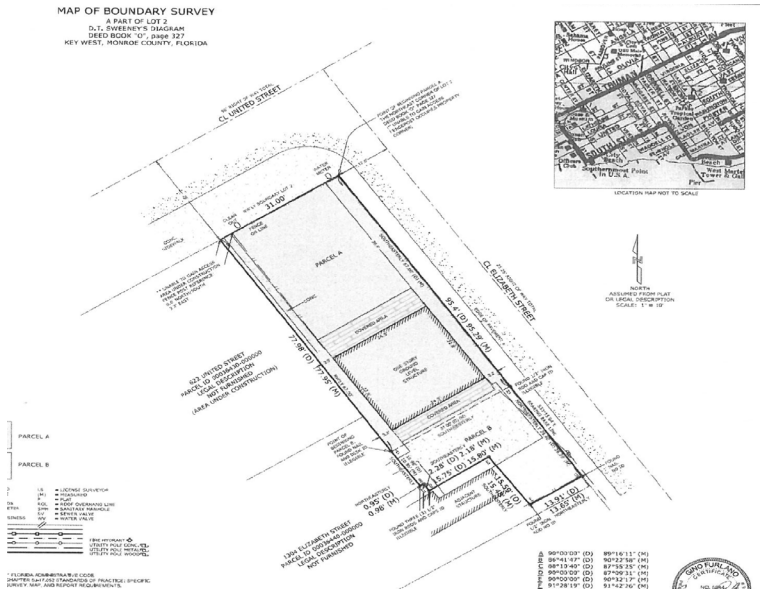
However, the proposal also includes the relocation of the structure from its existing footprint. While Section 122-32 permits modifications that lessen the degree of nonconformity, staff does not interpret that provision as authorizing the relocation of a nonconforming structure to a new building footprint where the relocated structure would continue to encroach into required setbacks. In this case, relocating the structure would effectively reestablish the existing nonconforming side-yard conditions at a different location on the lot and therefore represents a reconfiguration of the nonconformity rather than an in-place alteration that simply reduces its degree.

Accordingly, although the proposed design reduces the degree of side-yard noncompliance by a relatively modest amount, the act of relocating the structure requires variance approval, as the relief sought extends beyond an in-place alteration and instead involves a shift in the structure's established footprint.

Site Data Table

FRONT & SIDE SETBACKS			
	Existing	Proposed	Variance Requested
Front Setback	33' 4 1/2"	5' 11"	N
Elizabeth Street Side Setback	3' 2"	3' 2 1/4"	Y
West Side Setback	2' 10 1/2"	3' 1 1/2"	Y

Survey



Process:

Planning Board Meeting:	August 20, 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 applicant suggests that a special condition exists because the location of the house and its existing encroachments into the required side setbacks predate the current ownership of the property and were not created by the applicant. The applicant further contends that the structure's longstanding placement within the side setbacks constitutes a circumstance peculiar to the property.

   Staff acknowledges that the existing structure is legally nonconforming due to its historic placement on the lot. However, the existence of an established nonconforming structure, standing alone, does not constitute a special condition peculiar to the property that necessitates the requested side-yard relief. The record does not demonstrate that unique physical characteristics of the land or structure require the proposed relocation or prevent reasonable use of the property in a manner that complies with the applicable setback requirements. The requested side-yard relief is instead associated with the applicant's proposed redevelopment and relocation of the existing structure.

   NOT IN COMPLIANCE

2. *Conditions are not created by the applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.*

   The applicant did not create the existing conditions. The encroachments existed before they owned the property.

   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.*

   The fact that the proposed relocation would result in a slight improvement to the existing side-yard setbacks does not, by itself, establish that the requested variance would not confer a special privilege. The proposed project would relocate an existing nonconforming structure to a new footprint while continuing to maintain encroachments into the required side setbacks. Other properties in the same zoning district are subject to the applicable setback requirements and would not generally be permitted to establish or relocate a structure into required setback areas without satisfying the applicable variance criteria. Accordingly, approval of the requested relief would provide the applicant with a development option that is not otherwise available as a matter of right to similarly situated properties within the HRO zoning district.

   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.*

   Literal interpretation of the provisions of the land development regulations would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. The property remains capable of reasonable residential use, and the existing residential structure is legally permitted to remain as a nonconforming structure. The requested relief arises from the applicant's proposed redevelopment of the property, including the relocation and renovation of the principal structure and associated improvements, rather than from an inability to reasonably use the property without the requested variance. Accordingly, staff does not find that denial of the variance would result in unnecessary or undue hardship within the meaning of the variance criteria.

   NOT IN COMPLIANCE

5. *Only minimum variance granted. That the variance granted is the minimum variance that will make possible reasonable use of the land, building, or structure.*

   Staff does not find this criterion satisfied. Although the requested variance may represent the minimum relief necessary to accomplish the applicant's preferred relocation and proposed design, the criterion requires the Board to determine whether the requested relief is the minimum variance necessary to make reasonable use of the property. The

record does not establish that the requested side-yard relief is necessary for reasonable residential use of the property, particularly because the property is already capable of residential use and the existing structure is legally permitted to remain in its current nonconforming condition. Therefore, the requested variance is not demonstrated to be the minimum variance necessary to make reasonable use of the property.
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 variance is not likely to be injurious to the area involved or otherwise detrimental to the public interest.

   IN 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 nonconforming uses of other properties are not the basis of this 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 finds that the standards established by Section 90-395 of the City Code have not 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.*

While not a strict variance criterion, it is important to note for the report that as of August 14, 2026 staff has received no letters of objection and no letters of support for this item.

Recommendation:

The Comprehensive Plan encourages development patterns that maintain appropriate open space and separation between residential structures. The revised proposal includes renovation of the existing principal structure, a one-story rear addition, a new pool and deck, and relocation of the existing residential structure approximately 23 feet 8 inches forward on the property.

The revised plans would improve the existing side-yard setbacks only modestly. Along the Elizabeth Street side, the setback would increase from 3 feet 2 inches to 3 feet 2¼ inches, an improvement of approximately ¼ inch. Along the west side, the setback would increase from 2 feet 10½ inches to 3 feet 1½ inches, an improvement of approximately 3 inches. Despite these improvements, the relocated structure would continue to encroach into the required side setbacks and would establish a new nonconforming building footprint.

Staff finds that the proposed relocation extends beyond a simple in-place reduction of an existing nonconforming condition. Section 122-32 permits alterations that reduce the degree of nonconformity but does not authorize relocation of a nonconforming structure in a manner that reestablishes the nonconforming condition at a new location. Accordingly, variance approval is required.

Staff further finds that the applicant has not demonstrated the special conditions necessary to support the requested side-yard relief, that approval could confer a special privilege associated with the proposed relocation, that the property remains capable of reasonable residential use without the requested variance, and that the requested relief has not been demonstrated to be the minimum variance necessary to make reasonable use of the property.

The variance request from the minimum required side-yard setbacks to allow the relocation of an existing residential structure approximately 23 feet 8 inches forward on the property, in conjunction with the proposed renovation of the principal structure, one-story rear addition, and new pool and deck, while improving the existing side-yard setbacks by approximately ¼ inch along the Elizabeth Street side and 3 inches along the west side, does not meet all of the criteria established in Section 90-395 of the Code of Ordinances.

Therefore, the Planning Department recommends that the request for a variance be **DENIED**.

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

General Conditions:

1. The proposed work shall be substantially consistent with the signed and sealed plans dated June 18, 2026, by T.S. Neal Architect Inc.