RESOLUTION NO. 2026-_____

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF KEY WEST, FLORIDA, CONSIDERING AN APPLICATION FOR A VARIANCE AT 624 UNITED STREET PURSUANT TO SECTIONS 90-395 AND 122-930(6)(b) OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR DENIAL OF THE REQUEST; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Greg Oropeza ("Applicant"), on behalf of Kingsley Girl LLC ("Owner"), submitted an application requesting a variance from the minimum side yard setback requirements for the property located at 624 United Street (RE# 00036450-000000), within the Historic Residential Office (HRO) Zoning District; and

WHEREAS, the application seeks approval to relocate an existing residential structure approximately twenty-three feet, eight inches (23' 8") forward on the property, in conjunction with renovations to the principal structure, construction of a one-story rear addition, and construction of a new pool and deck; and

WHEREAS, the existing residential structure predates the applicable setback requirements and is legally nonconforming with respect to the required side yard setbacks; and

WHEREAS, the existing structure has a front setback of thirty-three feet, four and one-half inches (33' 4½"), an Elizabeth Street side setback of three feet, two inches (3' 2"), and a west side setback of two feet, ten and one-half inches (2' 10½"); and

WHEREAS, the proposed relocation would result in a front setback of five feet, eleven inches (5' 11"), an Elizabeth Street side setback of three feet, two and one-quarter inches (3' 2¼"), and a west side setback of three feet, one and one-half inches (3' 1½"); and

WHEREAS, the proposed improvements would reduce the existing degree of side-yard nonconformity by approximately one-quarter inch (¼") along the Elizabeth Street side and approximately three inches (3") along the west side; and

WHEREAS, Section 122-32 of the Code of Ordinances permits alterations to legally nonconforming structures without variance approval when such alterations reduce the degree of nonconformity; and

_____ Chairman
_____City Planner

WHEREAS, although the proposed relocation would modestly reduce the degree of the existing side-yard nonconformities, it would relocate the structure from its established footprint and reestablish the nonconforming side-yard conditions at a new location on the property; and

WHEREAS, the proposed relocation would constitute a reconfiguration of the existing nonconforming side-yard conditions rather than an in-place alteration that simply reduces the degree of nonconformity; and

WHEREAS, staff does not interpret Section 122-32 as authorizing the relocation of a nonconforming structure to a new building footprint where the relocated structure would continue to encroach into required setbacks, and therefore determined that variance approval is required pursuant to Sections 90-395 and 122-930(6)(b) of the Code of Ordinances; and

WHEREAS, the Planning Board conducted a duly noticed public hearing on August 20, 2026, and reviewed the application, staff report, public testimony, and all evidence submitted into the record.

NOW, THEREFORE, BE IT RESOLVED By The Planning Board Of The City Of Key West, Florida:

Section 1. Recitals

The above recitals are true and correct and are incorporated herein as though fully set forth.

Section 2: Findings Of Fact

The Planning Board adopts the following findings of fact and conclusions of law:

1. *Special Conditions and Circumstances.*

   The Planning Board finds that special conditions or circumstances peculiar to the land, structure, or building that necessitate the requested side-yard relief have not been demonstrated. The existing legally nonconforming setbacks, standing alone, do not establish a special condition requiring relocation of the structure or preventing reasonable use of the property.

NOT IN COMPLIANCE

_____ Chairman
_____City Planner

2. *Conditions Not Created by Applicant.*

   The Planning Board finds that the existing nonconforming conditions were not created by the Applicant.

   COMPLIANT

3. *Special Privileges Not Conferred.*

   The Planning Board finds that granting the variance would confer special privileges inconsistent with other properties in the district. Approval of the requested relief would provide the applicant with a development option that is not otherwise available as a matter of right.

   NOT IN COMPLIANCE

4. *Hardship Conditions Exist.*

The Planning Board finds that a literal interpretation of the Land Development Regulations would not deprive the Applicant of rights commonly enjoyed by other properties in the district, nor create an unnecessary hardship.

NOT IN COMPLIANCE

5. *Minimum Variance Necessary.*

The Planning Board finds that the record does not establish that the requested side-yard relief is necessary to make reasonable residential use of the property. The property is already capable of reasonable residential use, and the existing structure is legally permitted to remain in its current nonconforming condition. Therefore, the requested variance has not been demonstrated to be the minimum variance necessary to make reasonable use of the property.

NOT IN COMPLIANCE

_____ Chairman
_____City Planner

6. *Not Injurious to Public Welfare.*
   The Planning Board finds that the requested variance would not be injurious to the public welfare or detrimental to the surrounding area.

   COMPLIANT

7. *Nonconforming Uses Not Basis for Approval.*
   The Planning Board finds that the request is not based on nonconforming uses of neighboring properties.

   COMPLIANT

Section 3: Concurrency

The Planning Board finds that the proposed variance will not result in adverse impacts to public facilities or services pursuant to Section 108-233 of the Code of Ordinances.

Section 4: Good Neighbor Policy

The Planning Board acknowledges that, as of August 14, 2026, one letter of objection was received regarding this application.

Section 5: Decision

Based upon the foregoing Findings of Fact and Conclusions of Law, the Planning Board finds that the Applicant has failed to meet all of the criteria required under Section 90-395 of the Land Development Regulations.

Accordingly, the application for a variance from the minimum required side-yard setbacks to allow relocation of the existing residential structure is hereby **DENIED**.

_____ Chairman
_____City Planner

Section 6: Effective Date

This Resolution shall become effective immediately upon adoption.

Read and passed at a regularly scheduled meeting held this 20th day of August, 2026.

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

Peter Batty, Planning Board Chair Date

Attest:

Taylor Brown, City Planner Date

Filed with the Clerk:

Keri O'Brien, City Clerk Date

_____ Chairman
_____City Planner