

**PLANNING BOARD
RESOLUTION NO. 2017-**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD TO ALLOW AN EXTENSION OF AN APPROVED VARIANCE TO HABITABLE SPACE AND MINIMUM OPEN SPACE REQUIREMENTS IN THE HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDR) ZONING DISTRICT PER PLANNING BOARD RESOLUTION 2015-21 FOR PROPERTY LOCATED AT 411-415 GRINNELL STREET (RE# 00005240-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Planning Board Resolution 2015-21; approving with conditions a variance to habitable space and minimum open space requirements for the subject property;

WHEREAS, the applicant requested a 12-month extension from the effective date of the variance extension;

WHEREAS, the applicant has demonstrated that no change of circumstances to the property or its underlying zoning has occurred;

WHEREAS, the applicant submitted a timely request for extension and demonstrated that there are no changes to circumstances regarding the original variance application;

WHEREAS, the granting of the variance extension will be in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare;

WHEREAS, the Planning Board finds that the granting of the variance does not permit a use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district; and

WHEREAS, the Planning Board finds that the granting of the variance does not increase or

have the effect of increasing density or intensity of a use beyond that permitted by the Comprehensive Plan or the LDRs.

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 variance extension granted by the Planning Board Resolution 2015-21, to **HABITABLE SPACE AND MINIMUM OPEN SPACE REQUIREMENTS** in the **HMDR, Historic Medium Density Residential Zoning District**, under the Code of Ordinances of the City of Key West, Florida, is hereby extended for an additional 12 months **FOR THE PROPERTY LOCATED AT 411-415 GRINNELL STREET (RE# 00005240-000000)**, SEE ATTACHED PLANS dated 3/2/15.

Section 3. It is a condition of this variance that full, complete, and final application for all permits required for which this Resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months.

Section 4. This variance extension does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of the applicant's assertion of legal authority respecting the property.

Section 5. 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 6. 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 will be rendered to the Florida Department of Economic Opportunity. Pursuant to

Chapter 73C-44, F.A.C., this permit 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 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.

Sam Holland
City of Key West Planning Board

Date

Attest:

Patrick Wright
Planning Director

Date

Filed with the Clerk:

Cheryl Smith
City Clerk

Date