

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA, GRANTING A HEIGHT VARIANCE APPROVAL PURSUANT TO SECTIONS 90-391 THROUGH 90-395, 122-960 (3), and 122-1149 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA, FOR THE CONSTRUCTION OF A TWO-STORY CHILLER PLANT STRUCTURE ON PROPERTY LOCATED AT 521 THOMAS STREET (RE # 00010110-000000) WITHIN THE HISTORIC PUBLIC AND SEMIPUBLIC SERVICES (HPS) ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property is located within the Historic Public and Semipublic Services (HPS) zoning district; and

WHEREAS, pursuant to Sections 90-391 through 90-395, 122-1020 (3), and 122-1149 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”), the applicant filed a variance application to allow for the construction of a two-story structure that will house a chiller plant; and

WHEREAS, City Code Sections 90-391 through 90-395 and Section 122-1149 (c) outline the criteria for reviewing a variance application to accommodate nonhabitable hardware and utility structures; and

WHEREAS, this matter came before the Board of Adjustment at a duly noticed public hearing on November 6, 2019; and

WHEREAS, the Board of Adjustment found that the proposed variance complies with the criteria in City Code Sections 90-391 through 90-395, 122-1020 (3) and Section 122-1149 (c); and

WHEREAS, the approval of the variance application will be in harmony with the general purpose and intent of the LDRs, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the City of Key West, Florida, as follows:

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

Section 2: That the Board of Adjustment grants approval of the application for a variance to maximum allowable height to allow for the construction of a two-story structure that will house a chiller plant on property located at 521 Thomas Street (RE# 00010110-000000) within the Historic Public and Semipublic Services (HPS) zoning district pursuant to Sections 90-391 through 90-395 and Section 122-1149 (c) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans, is hereby approved with the conditions as follows:

General conditions:

1. This height variance shall only be for the nonhabitable portion of the brick masonry structure and the stone cornice which lies on top of the four walls that make up the two-story structure at a height of 27-linear feet and 7 inches. Any future increase of height beyond this will require a new height variance application.

2. The proposed development shall be consistent with the plans dated July 31, 2019 by Bender and Associates, Architects and T.Y. LIN International, Engineers.
3. The owner shall obtain a Certificate of Appropriateness for the proposed construction.

Section 3: 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 after the date hereof.

Section 4. This Variance application approval by the Board of Adjustment 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 Board.

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 (DEO). Pursuant to Chapter 73C, 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.

Passed and adopted by the Board of Adjustment at a meeting held this ____ day of _____, 2019.

Authenticated by the presiding officer and the Clerk of the Board on _____, 2019.

Filed with the Clerk _____, 2019.

Mayor Teri Johnston _____

Commissioner Gregory Davila _____

Commissioner Mary Lou Hoover _____

Vice-Mayor Sam Kaufman _____

Commissioner Clayton Lopez _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK