

**The City of Key West
Planning Board
Staff Report**



To: Chair and Planning Board Members

From: Melissa Paul-Leto, Planner I

Through: Roy Bishop, Planning Director

Meeting Date: January 16, 2020

Agenda Item: **Variances – 1411 Laird Street - (RE# 00060230-000000)** – A request for variances to the maximum building coverage, maximum impervious surface, and minimum rear yard setback requirements in order to construct a rear addition to the two story structure on property located within the Single Family (SF) zoning district pursuant to Sections 90-395, 122-238 (4)(a), 122-238 (4) (b) (1), and 122-238 (6) (a) (3) of the Land Development Regulations of the Code of Ordinances of the City of Key west, Florida.

Request: To grant variances to allow for the construction of a rear addition to the two-story structure.

Applicant: William Rowan

Property Owner: Eldine Sands, Trustee for Sands Eldine Revocable Living Trust

Location: 1411 Laird Street - (RE# 00060230-000000)

Zoning: Single Family (SF) zoning district

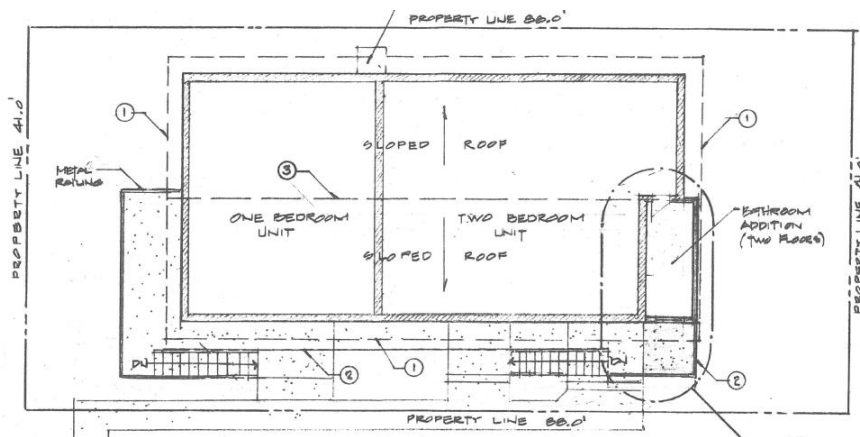


Background:

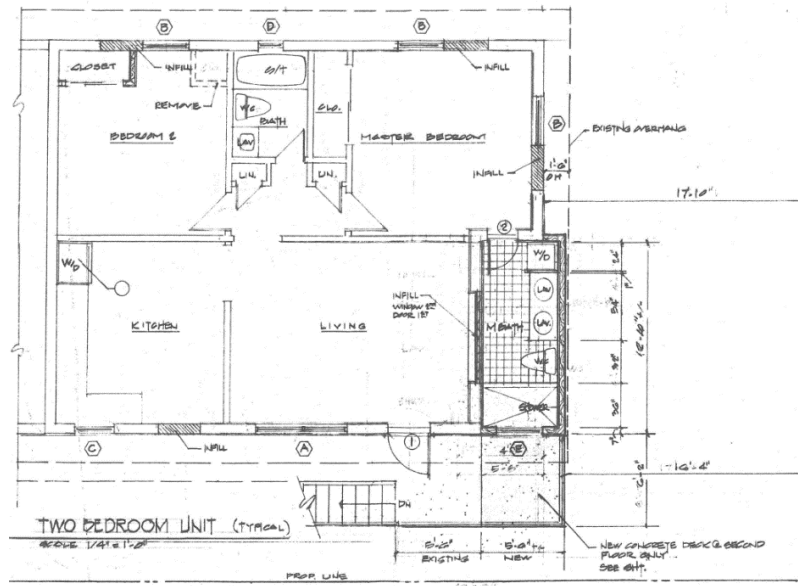
The subject parcel is one lot of record and is located within the Single-Family zoning district near the corner of Florida Street, facing Laird Street. The existing two-story structure has a total of four (4) market rate units. The first and second floor levels each consists of one bedroom / one bath units facing the front of Laird Street, and two-bedroom / one bath units to the rear of the structure.

The applicant is proposing to construct an addition to the rear of the structure for the first and second floors. The proposed addition will be used as master bathrooms for each of the first and second floor two-bedroom units, and a small concrete deck on the second floor only.

The proposed rear addition to the two-story structure triggers the need for variances to the maximum building coverage, maximum impervious surface, and minimum rear yard setback requirements as the existing non-conformities are expanding.



First and second floor layout is the same totaling four market rate units: one bed/ one bath units facing Laird Street and two bed/ one bath units to the rear of the two-story structure.



The proposed addition will add a master bathroom to the first and second floor 2-bedroom units, and a concrete deck on the second floor.

The following table summarizes the requested variances.

Relevant SF Zoning District Dimensional Requirements: Code Section 122-238				
Dimensional Requirements	Required/ Allowed	Existing	Proposed	Variance Required
Minimum Lot Size	6,000 square feet	3,608 square feet	3,608 square feet	Existing non-conformity In compliance
Maximum Height	25 feet	24 feet	24 feet	In compliance
Front Setback	20 feet	10 feet 1 inch	10 feet 1 inch	Existing non-conformity In compliance
(North) Side Setback	5 feet	5 feet	5 feet	In compliance
(South) Side Setback	5 feet	3 feet 3 inches	3 feet 3 inches	Existing non-conformity In compliance
Rear Setback	25 feet	16 feet 3 inches	16 feet 3 inches	Variance Required - 8 feet 9 inches
Building coverage	35% 1,262 square feet	45% 1,636 square feet	48% 1,731 square feet	Variance Required over 469 square feet
Impervious Surface	50% 1,804 square feet	56% 2,042 square feet	58% 2,107 square feet	Variance Required over 303 square feet
Open Space	35% 1,307 square feet	40% 1,501 square feet	40% 1,501 square feet	In compliance

Process:

Planning Board Meeting: January 16, 2020

Local Appeal Period: 30 days

DEO Review Period: up to 45 days

Analysis – Evaluation for Compliance with the Land Development Regulations:

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 in compliance:

- 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 land, structures and buildings involved are located on the property within the SF zoning district. The required minimum lot size in the SF zoning district is 6,000 square feet. The 1411 Laird Street property has a lot size of 3,608 square feet. The lot was developed prior to the adoption of the current Land development Regulations (LDRs).

However, many other land, structures and buildings within the SF zoning district were also developed prior to the adoption of the current LDRs. Therefore, there are no special conditions or circumstances that exist that are peculiar to the land, structures or buildings involved.

NOT IN COMPLIANCE

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

The proposed conditions are created by the applicant. This variance request is a result of the actions of the applicant proposing to construct an addition to the rear of the two-story structure. The existing two-story structure encroaches into the rear yard setback 8 feet 9 inches. The proposed addition will follow the existing roof line of the rear encroachment. The proposed design will also expand upon the property's existing non-conformities with regards to the maximum building coverage, and the maximum impervious surface requirements.

NOT 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.***

Granting the maximum allowed building coverage, maximum allowed impervious surface, and minimum rear yard setback variances for the rear addition will confer special privileges to the applicant that is denied by the Land Development Regulations to other lands, buildings or structures in the same zoning district.

NOT IN COMPLIANCE

4. ***Hardship conditions exist. That literal interpretation of the provision 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.***

Denial of the requested variances would not deprive the applicant of rights commonly enjoyed by other properties in the SF zoning district. An addition of a master bathroom to the first and second floor two-bedroom units, and a concrete deck on the second floor is not considered a requirement within any of the zoning districts of the City of Key west. Therefore, hardship conditions do not exist.

NOT IN COMPLIANCE

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

The variances requested are not the minimum required that will make possible the reasonable use of the land, building, or structure. However, they are the minimum necessary to accommodate the request.

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 other area involved or otherwise detrimental to the public interest or welfare.***

Due to not following all the standards for considering variances, the granting of the requested variances would be injurious to the area involved and otherwise detrimental to the public interest.

NOT 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 non-conforming uses of other properties, use of neighboring lands, structures, or buildings in the same district, or other zoning districts, are not the basis for this request.

IN COMPLIANCE

Concurrency Facilities and Other Utilities or Service (Section 108-233):

Based on comments received through internal departmental reviews, it does not appear that the requested variance will trigger any public facility capacity issues.

The Planning board shall make factual findings regarding the following:

The standards established by Section 90-395 of the City Code have been fully met by the applicant for the variances requested.

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.

The Planning Department has not received any public comments for the variance requests as of the date of this report.

RECOMMENDATION:

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variances be **Denied**.

However, if the Planning Board approved this request, staff would like to require the following conditions:

General Condition:

1. The proposed construction shall be consistent with the plans dated July 25, 2019 by William Rowan, P.A. No approval granted for any other work or improvements shown on the plans other than the rear addition to the two-story structure to create two master bathrooms for the first and second floor two bed/ one bath units, and a concrete deck on the second floor.
2. The addition to the two-story structure shall have a fire alarm system installed.