

THE CITY OF KEY WEST
PLANNING BOARD
Staff Report



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Daniel Sobczak, AICP-C, Planner II

Meeting Date: May 20th, 2021

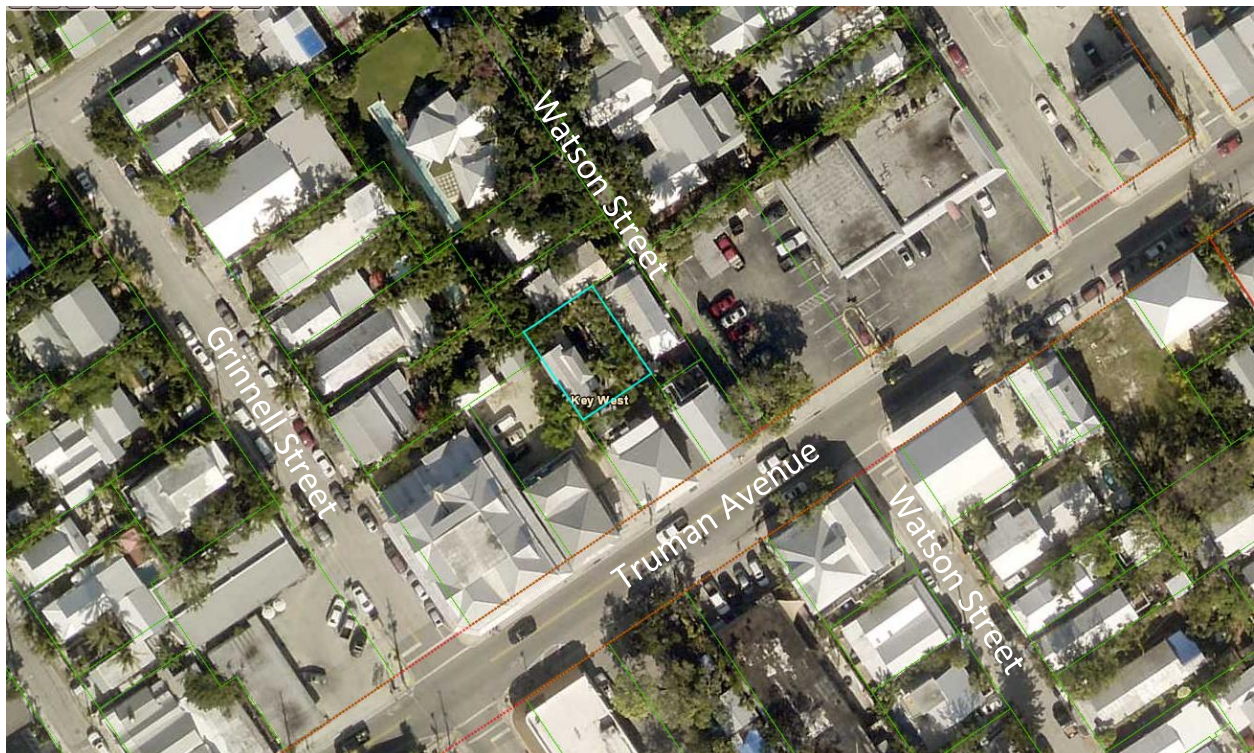
Application: **Variance** – 1011 Truman Avenue (RE# 00021000-000000) - A request for a variance to the minimum side setback to expand a bedroom, bathroom, and office in the Historic Neighborhood Commercial (HNC-1) zoning district pursuant to Sections 90-395, 108-346, and 122-810 (6) b. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: The applicant is requesting a variance to side setbacks in order to expand a bedroom, bathroom, and home office.

Applicant: Northstar Engineering LLC

Property Owner: Douglas Hansen, Russell Conlan

Location: 1011 Truman Avenue (RE# 0002100-000000)



Background:

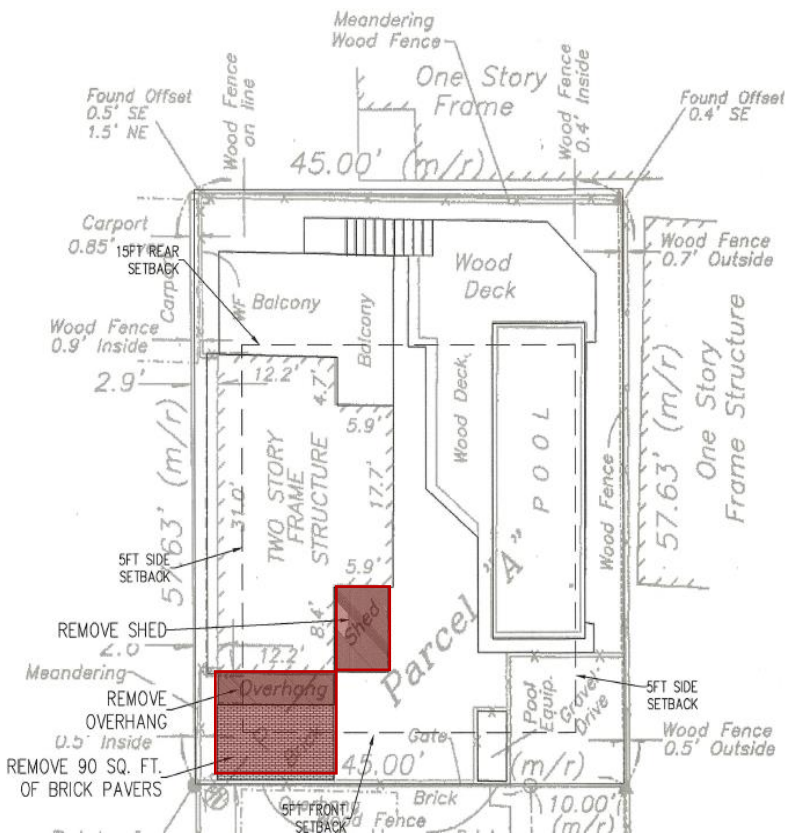
The subject parcel is located at 1011 Truman Avenue (rear) near the corner of Truman Avenue and Watson Street. The single-family structure is not historic but is located in the Key West Historic District. The property located at 1011 Truman Avenue (front) and 1011 Truman Avenue (rear) were subdivided in 2001. In 2004, the property went to the Planning Board for a variance to front and side setbacks in order to construct a 99 sqft addition. The parcel is surrounded by Historic Neighborhood Commercial (HNC-1) zoned properties to the east, west, and south, and Historic High Density Residential (HHDR) to the north.

The applicant is proposing to remove a section of brick pavers, a storage shed, and an overhang in order to expand the single-family structure. The addition is 113 sqft in total and will add an additional 25 sqft to the total building coverage of the lot.

Proposed Development:

The site table below details the current and proposed site data for the property. One variance is proposed for this development.

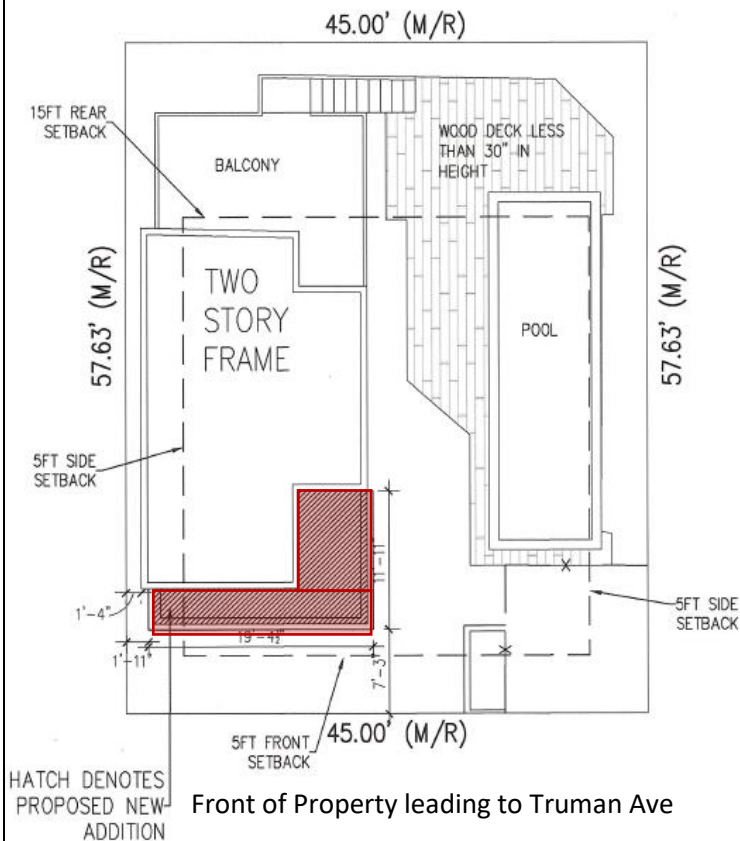
Site Data Table				
	Code Required	Existing	Proposed	Variance Request
Zoning	HNC-1			
Flood Zone	X			
Size of Site	4,000 sqft			
Height	30	20'	n/a	n/a
Front Setback	5'	7' 9"	7' 3"	n/a
Side Setback	5'	1' 4"	1' 4"	3' 8"
Rear Setback	15'	2' 9"	n/a	n/a
Building Coverage	50%	33% -- sqft	34% -- sqft	n/a
Impervious Surface	60%	62% -- sqft	60% -- sqft	n/a
Open Space	35% -- 1,158	38% -- sqft	39% -- sqft	n/a



Front of Property leading to Truman Ave

Proposed Site Plans, 1011 Truman Ave. submitted by applicant.

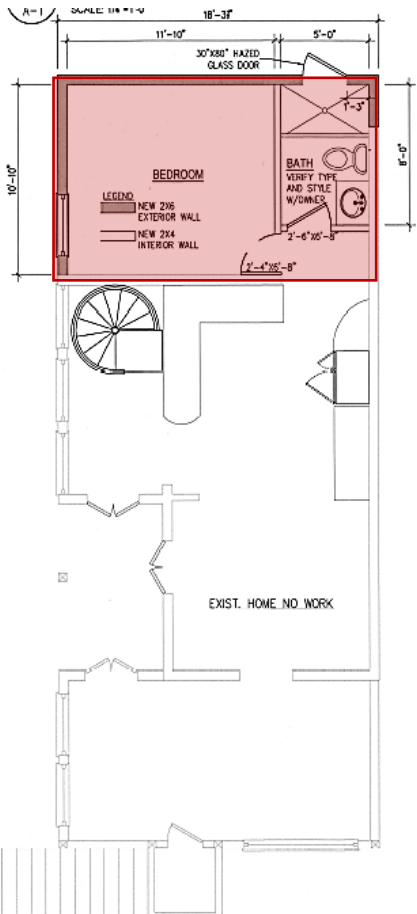
The applicant is proposing to remove the front overhang, front patio bricks, and a side shed in order to construct an addition.



Front of Property leading to Truman Ave

Proposed Site Plans, 1011 Truman Ave. submitted by applicant.

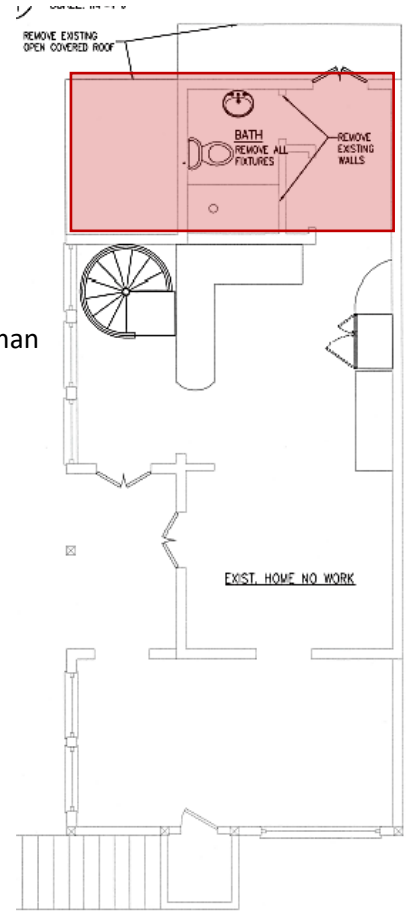
The red box indicates the new addition.



Proposed floor Plans, 1011 Truman Ave. submitted by applicant.

PROPOSED FIRST FLOOR PLAN

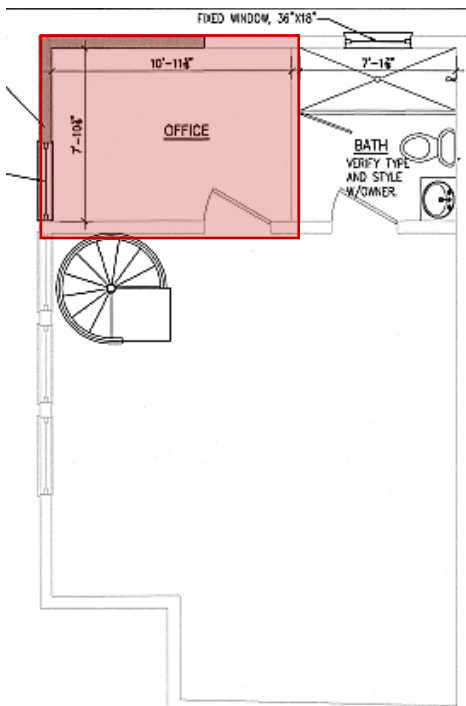
SCALE: 1/4"=1'-0"



Existing floor Plans, 1011 Truman Ave. submitted by applicant.

EXISTING FIRST FLOOR PLAN

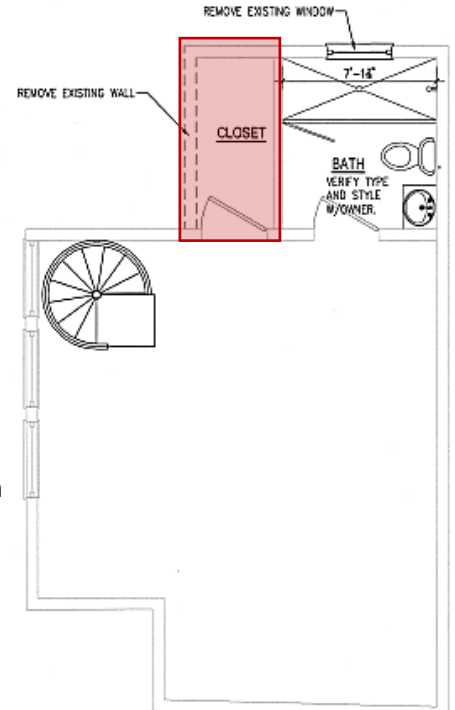
SCALE: 1/4"=1'-0"



Proposed floor Plans, 1011 Truman Ave. submitted by applicant.

PROPOSED SECOND FLOOR PLAN

4



Existing floor Plans, 1011 Truman Ave. submitted by applicant.

EXISTING SECOND FLOOR PLAN

2
A-1 SCALE: 1/4"=1'-0"

Process:

Planning Board Meeting:	May 20 th , 2021
Local Appeal Period:	10 Days
Planning renders to DEO for review:	Up to 45 days

Staff Analysis - 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 parcel located at 1011 Truman is smaller than the code required minimum lot size, the parcel is 2,593 sq.ft. and the minimum size for lots in HNC-1 is 4,000 sq.ft. The structure has been in its current location since the 1920s but has been extensively modified and is no longer considered historic. There was a variance in 2004 for this structure to extend into the setbacks to construct an addition. The applicant's proposed project is similar in that it will extend into the setbacks and proposes the an addition of around 100 sqft of habitable space.

NOT IN COMPLIANCE

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

The conditions of the parcel have largely remained the same since 2001 when the parcel was split from 1011 Truman Ave. (front). The parcel received numerous variances to setbacks, parcel size, etc. in order to be approved by the Board of Adjustment. The structure itself received another variance in 2004 to extend into the setbacks for an addition. The current non-conforming size of the lot and location of the structure is due to approvals from the Board of Adjustment.

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.*

The Land Development Regulations require setbacks in order to ensure life safety, general welfare, health standards, and aesthetics. The structure will encroach into the required side setbacks but will not exacerbate the structure's 2004 variance approval.

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.*

The parcel located at 1011 Truman Avenue (rear) is similar to many lots in the zoning district and is smaller than the 4,000 sq.ft. minimum lot size. The Land Development Regulation's required setbacks are designed to provide open space around and between structures for health, safety, privacy, and aesthetic purpose. Strict compliance with the minimum setbacks required for the HNC-1 zoning district would not pose a significant hardship on the applicant as the applicant could place the proposed addition outside of the five-foot setback. Literal interpretation of the provisions of the Land Development Regulations would not deprive the applicant of rights commonly enjoyed by other surrounding properties under the terms of this ordinance.

NOT IN COMPLIANCE

5. *Only 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 variance requested is not the minimum required that will make possible the reasonable use of the land, building and/or structure. It is reasonable that the applicant could amend their plans to fit all or most of the proposed addition within the buildable space of the parcel and outside the required setbacks.

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 will not be in harmony with the general intent of the land development regulations, the addition in the side setback may cause privacy concerns between surrounding property owners.

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):

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:

That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.

The standards established by Section 90-395 of the City Code have not 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 submitted public comment for the variance request as of the date of this report.

Recommendation:

The proposed addition to the existing single-family structure will trigger a variance for side setbacks. The proposed addition would add a bedroom, a storage room, and an office. The proposed variance is similar in scope and size to a variance already approved in 2004 for the same single-family structure. It is the opinion of the Department that multiple variances for the same property overtime continue a trend of non-conformance and are not in the spirit of the City Code. The variance to the minimum required side setback does not meet the criteria stated in Section 90-395. The Planning Department recommends **denial**.

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

1. The proposed construction shall be consistent (except for conditions of approval listed below) with the signed and sealed plans submitted and dated 11/2/2020 by Richard Milelli.
2. Install gutters and downspouts on the addition that drain into a swale.