

THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report



**To:** Chairman and Planning Board Members

**Through:** Katie P. Halloran, Planning Director

**From:** Melissa Paul-Leto, Planner I

**Meeting Date:** May 20, 2021

**Agenda Item:** **Variance –617 Frances Street – (RE# 00010430-000000)** - A request for variances to the minimum side yard setback, minimum rear yard coverage, and the maximum building coverage in order to relocate an existing accessory structure, construct a pool, a pool deck, a covered porch, and an off-street parking space on property located within the Historic High Density Residential (HHDR) zoning district pursuant to Sections 90-395, 122-630 (6) b., and 122-630 (4) a., and 122-1181 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Request:** The applicant is proposing to renovate, elevate and reposition 2 historic structures on the existing parcel, construct a pool, a pool deck, a covered porch, and an off-street parking space.

**Applicant:** Thomas J. Gosline & William F. Fritz

**Property Owner:** Thomas J. Gosline & William F. Fritz

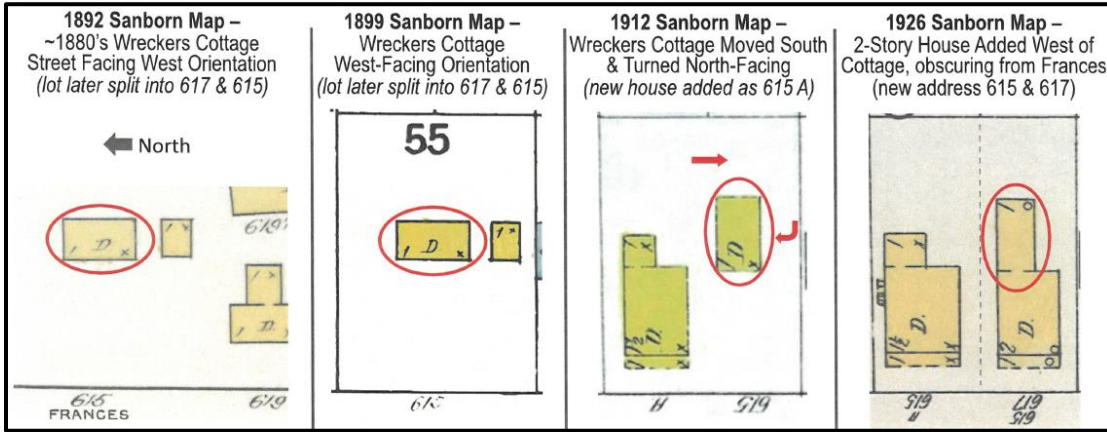
**Location:** 617 Frances Street – (RE# 00010430-000000)

**Zoning:** Historic High Density Residential (HHDR) zoning district

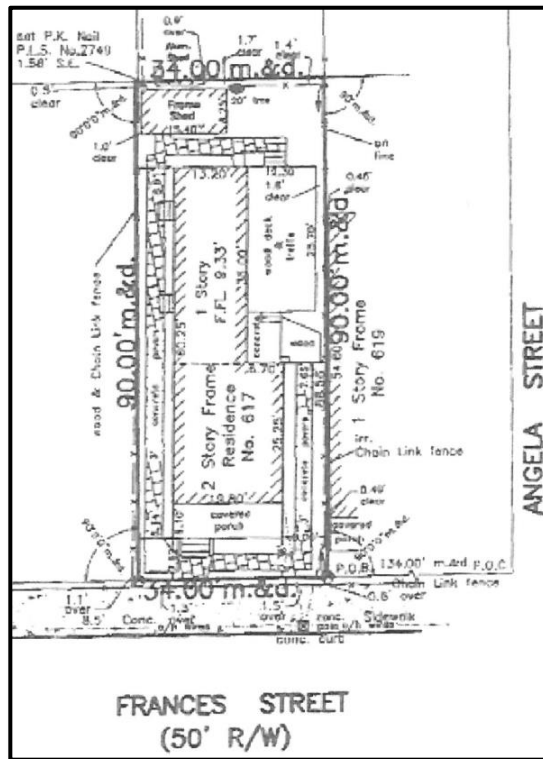


**Background/Request:**

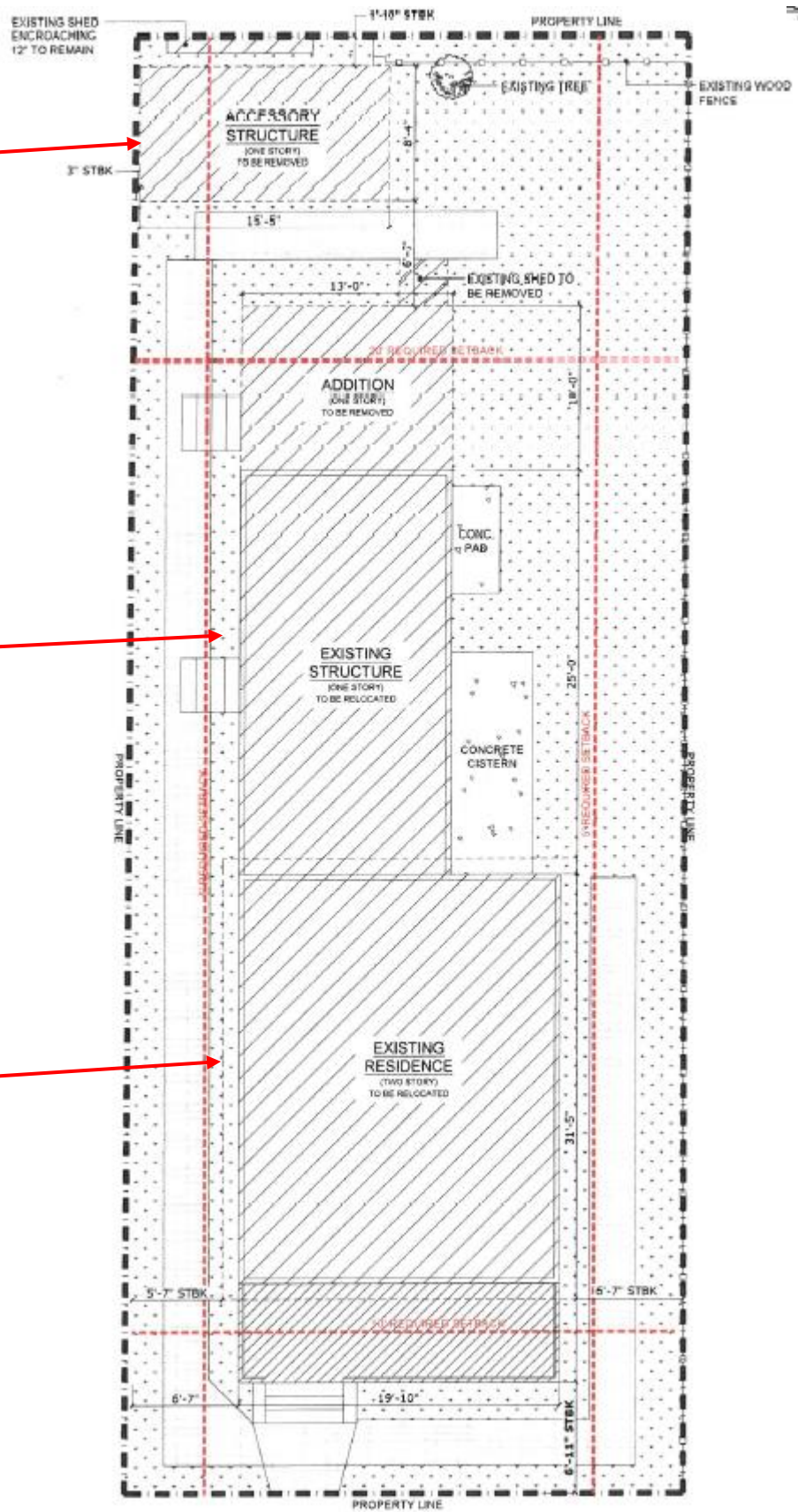
The subject property is located between Angela Street and Southard Street, facing Frances Street. The parcel size is 3,060 square feet and is one lot of record. The parcel consists of a historic, contributing 1920s two story structure facing Frances Street connected to a historic, contributing 1880's one-story Wrecker's cottage. The structures were joined in the 1920's. Sanborn maps from 1892, 1899, and 1912 indicate the two structures were originally designed as separate structures. The proposed design separates the two structures, the two-story dwelling unit would be the principal structure and the cottage would be an accessory unit divided by a pool, deck, and covered porch. The proposed design will need to go to HARC for final approval.



*Sanborn Maps history of Structures – 617 Frances Street*



*Boundary Survey – 617 Frances Street*

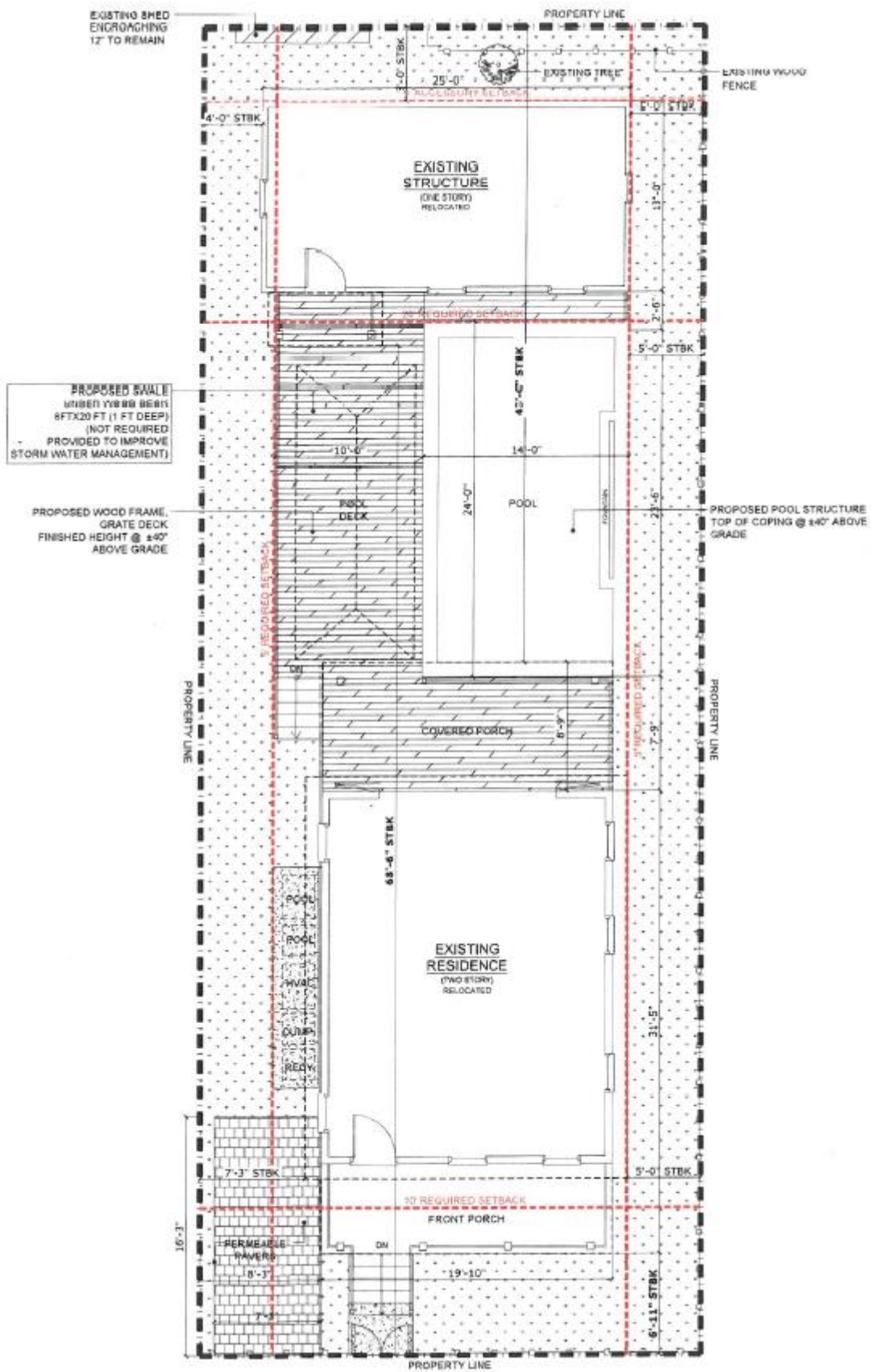


To Be Removed

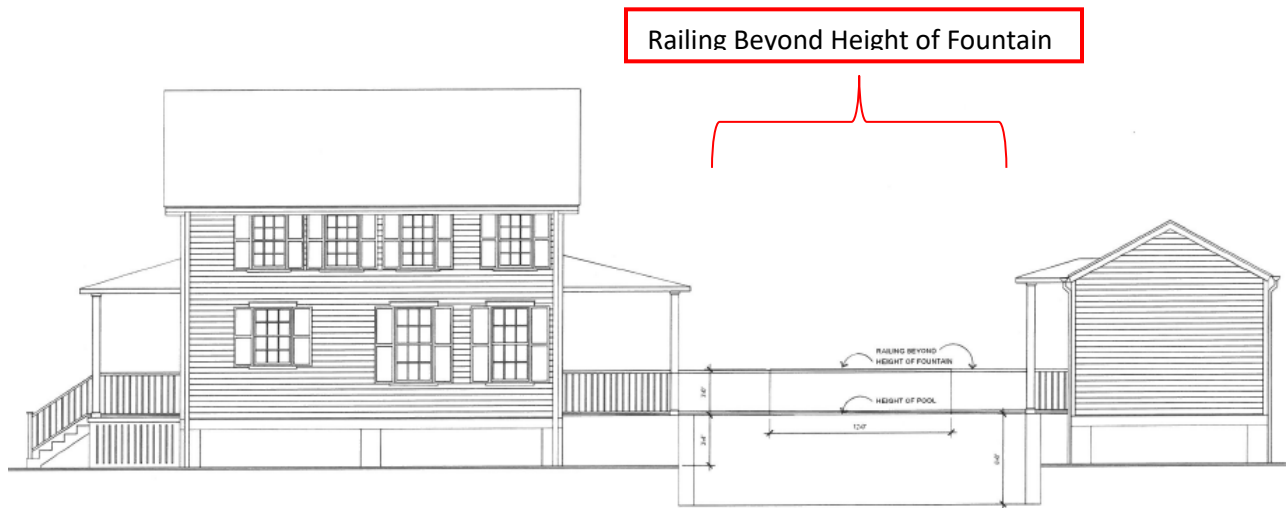
To Be Relocated

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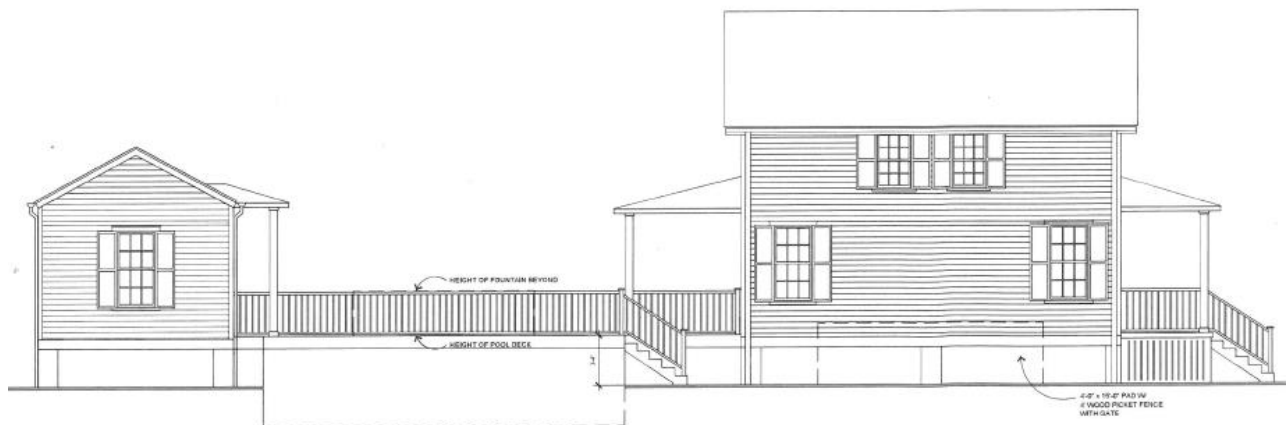
Existing Site Plan



Proposed Site Plan



*617 Frances Street – Proposed South Elevation*



*617 Frances Street – Proposed North Elevation*

The applicant is proposing the following: To separate the two-story front structure from the one-story rear structure, construct a pool, deck, a covered porch in-between the two structures, and install an off-street parking space. Based on the plans submitted, the proposed design would require variances to the following dimensional requirements:

- The required minimum north west side setback for an accessory structure is 5 feet. The applicant is proposing 4 feet.
- The required maximum building coverage in the (HHDR) zoning district is 50%, or 1,530 square feet. The existing building coverage is 39.38%, or 1,205 square feet. The applicant is proposing 59.28%, or 1,814 square feet.
- The maximum coverage in the required rear yard is 30%, or 204 square feet for this property. The applicant is proposing 57.65%, or 392 square feet in the required rear yard.

**Relevant HHDR Zoning District Dimensional Requirements: Code Section 122-630**

<b>Dimensional Requirement</b>	<b>Required/Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change / Variance Required?</b>
Flood Zone	X			
Maximum Height	30 feet	23 feet 9 inches	24 feet 9 inches	In compliance
Minimum Lot Size	4,000 SF	3,060 SF	3,060 SF	Existing non-conformity
<b>Maximum Building Coverage</b>	<b>50 % 1,530 SF</b>	<b>39.38 % 1,205 SF</b>	<b>59.28 % 1,814 SF</b>	<b>Variance Required +284 SF</b>
Maximum Impervious Surface Ratio	60 % 1,836 SF	58 % 1,775 SF	48.93 % 1,497.5 SF	In compliance
Minimum Open Space	35 % 1,071 SF	38.8 % 1,170 SF	35.35 % 1,082 SF	In compliance
Minimum Front Yard Setback (front house)	10 feet	6 feet 11 inches	6 feet 11 inches	Existing non-conformity
Minimum N.W. Side Yard Setback (front house)	5 feet	5 feet 7 inches	7 feet 3 inches	In compliance
Minimum S.E. Side Yard Setback (front house)	5 feet	6 feet 7 inches	5 feet	In compliance
Minimum Rear Yard Setback (front house)	20 feet	1 foot 10 inches	43 feet	In compliance
Minimum Front Yard Setback (accessory unit)	10 feet	1 foot 10 inches	68 feet 6 inches	In compliance
<b>Minimum N.W. Side Yard Setback (accessory unit)</b>	<b>5 feet</b>	<b>5 feet 7 inches</b>	<b>4 feet</b>	<b>Variance Required -1 foot</b>

Minimum S.E. Side Yard Setback (accessory unit)	5 feet	6 feet 7 inches	5 feet	In compliance
Minimum Rear Yard Setback (accessory unit)	5 feet	1 foot 10 inches	5 feet	In compliance
Maximum rear yard coverage	30% 204 square feet	N/A	57.65% +392 SF	Variance Required +188 SF

**Process:**

**Planning Board Meeting:** May 20, 2021  
**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:

- 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 existing dimensions and size of the parcel as well as the structures pre-date the dimensional requirements of the current Land Development Regulations, and therefore were legally non-conforming in the HHDR zoning district. However, the owner has chosen to reparate the two structures on site with a deck, pool, and covered porch would have further increase the parcel's building coverage. Therefore, there are no special conditions or circumstances.

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 variance request is a result of the actions of the applicant proposing to reparate the two structures, demolish an existing accessory structure, construct a pool, deck, and covered porch between the front two-story structure and the rear Wrecker's cottage.

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 property currently is nonconforming with the minimum front yard setback for the principal structure. The proposed design would include 3 variance requests. The applicant could have positioned the accessory structure to complying with the 5-foot setbacks. A pool, elevated deck, and a covered porch are not required in the HHDR zoning district.

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.***

Denial of the requested variance would not deprive the applicant of rights commonly enjoyed by other properties in the HHDR zoning district. The applicant could have designed the relocation of the structures in a way that conforms with the Land Development Regulations. Therefore, hardship conditions do not exist.

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 request is not the minimum required that will make possible the reasonable use of the land, building, or structure.

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.***

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):**

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:**

***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 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 received no public comments for the variance requests as of the date of this report.

Pursuant to Code Section 90-392, in granting such application the Planning Board must make specific affirmative findings respecting each of the matters specified in Code Section 90-394.

***The planning board shall not grant a variance to 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.***

No 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 would be permitted.

***No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.***

No such grounds were considered.

***No variance shall be granted that increases or has the effect of increasing density or intensity of a use beyond that permitted by the comprehensive plan or these LDRs.***

No density or intensity of a use would be increased beyond that permitted by the comprehensive plan or these LDRs.

**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**.

If Planning Board chooses to approve the request for variances, then staff suggests the following condition:

1. The proposed design shall be consistent with the plans signed, sealed, and dated, March 18, 2021 by Jeffrey Robert Steele, R.A.
2. The proposed design must be approved by the Historic Architectural Review Commission.