

**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: August 19, 2021

Agenda Item: **Variance – 1115 Grinnell Street – (RE# 00031810-000000)** - A request for variances to the maximum building coverage, maximum impervious surface, and the minimum open space requirements in order to construct a rear addition on property located within the Historic Medium Density Residential (HMDR) zoning district pursuant to Sections 90-395, 122-600 (4) a., and 122-600 (4) a., and 108-346 (b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

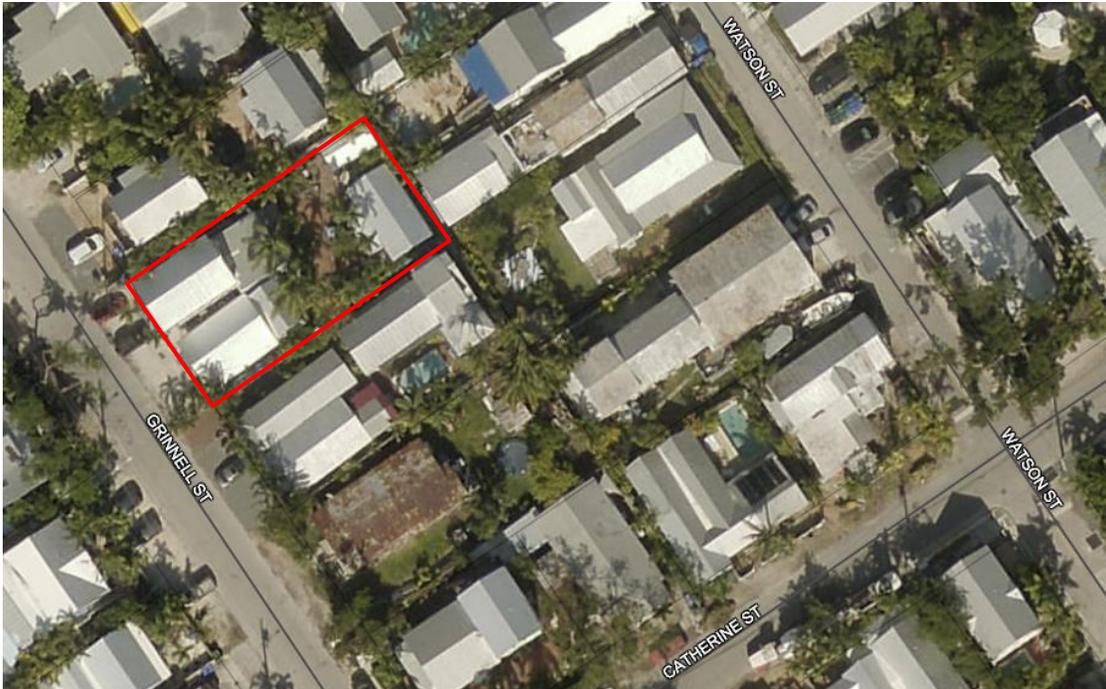
Request: The applicant is proposing to construct an addition to the rear of the principal structure.

Applicant: Rick Milelli, Meridian Engineering LLC

Property Owner: Joseph Desantis

Location: 1115 Grinnell Street – (RE# 00031810-000000)

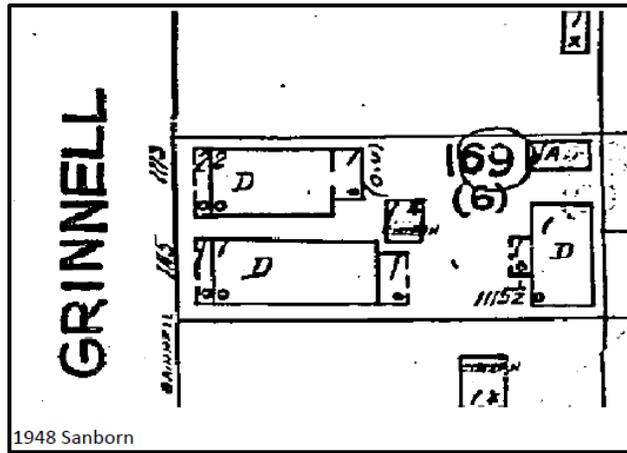
Zoning: Historic Medium Density Residential (HMDR) zoning district



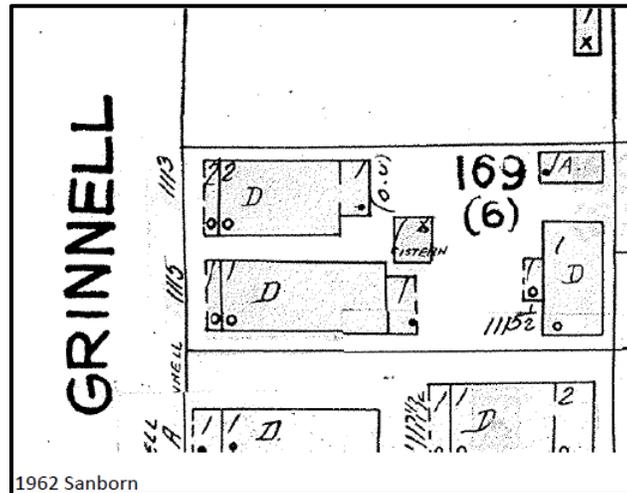
Background/Request:

The subject property is located between Catherine Street and Virginia Street, facing Grinnell Street. The parcel size is 5,794 square feet and is one lot of record. The lot includes a total of 4 structures and 4 market rate units.

The 4 structures include the following: 1115 Grinnell Street, a one-story single-family structure, 1113 Grinnell Street, a two-story structure with 2 units addressed as Unit 101 on the first floor and Unit 201 on the second floor. There is a rear single-family structure addressed as 1113 (2) Grinnell Street, and a rear shed structure. The current density in the HMDR zoning district is 16 units per acre which would provide this property with 2 market-rate units. However, the parcel, the dwelling units and the structures on the parcel are historically nonconforming with the density. The four structures are indicated in the 1948 Sanborn Map, prior to this date there are Sanborn Maps showing 1113 and 1115 Grinnell Street structures on the parcel dating back to 1889 Sanborn Maps. The 1115 Grinnell Street dwelling is the subject structure. A rear addition is proposed in conjunction with this variance request. It is a one-story contributing structure to the historic district.



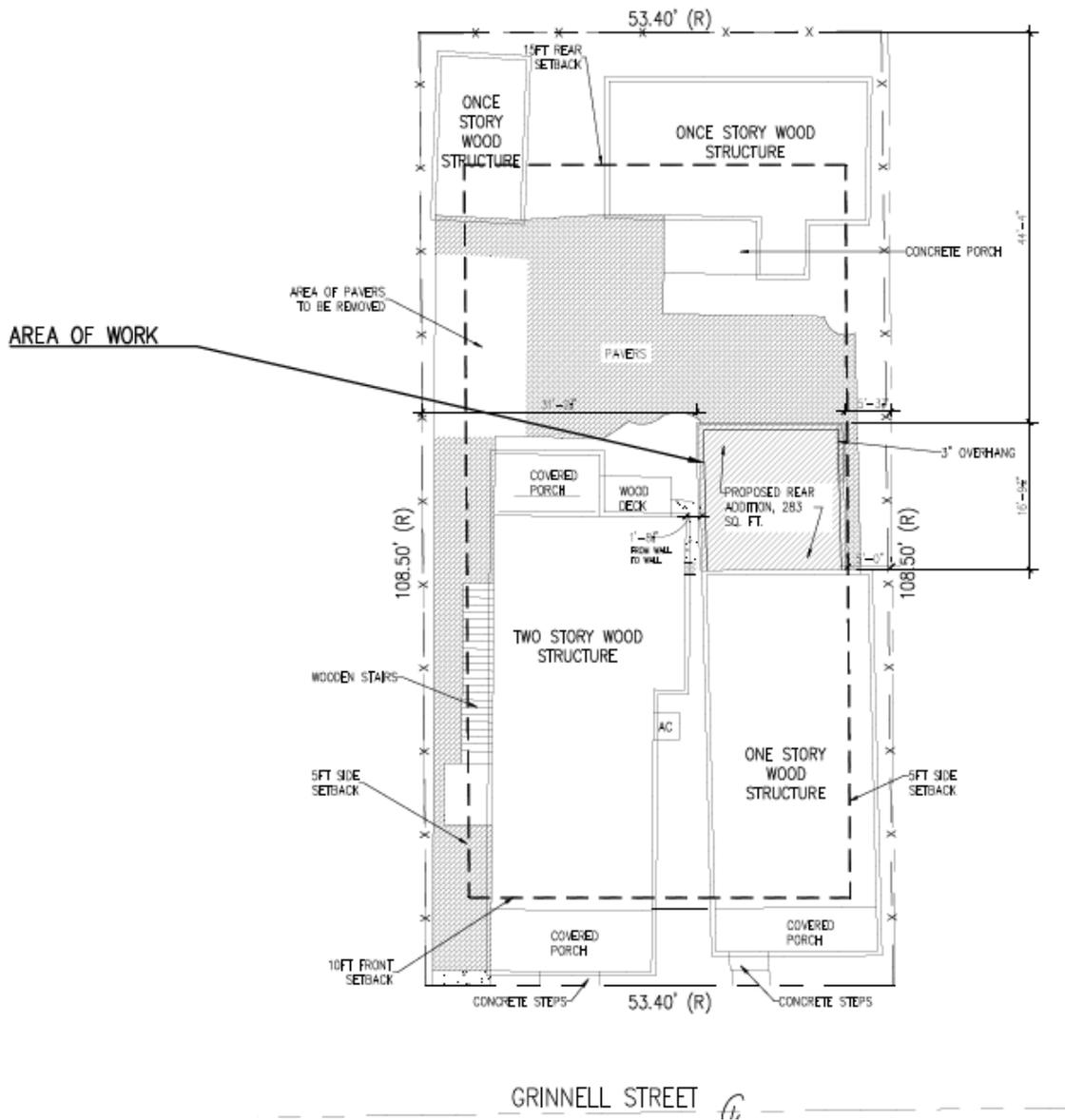
1948 Sanborn



1962 Sanborn



1965 photo. 1113 Grinnell (left) ca. 1900. 1115 Grinnell (right) ca. 1889.



1115 Grinnell Street – Proposed site Plan

The applicant is proposing to construct a 283 square foot addition to a one-story wood structure on the parcel at 1115 Grinnell Street. Based on the plans submitted, the proposed design would require variances to the following dimensional requirements:

- The required maximum building coverage in the (HMDR) zoning district is 40%, or 2,317.6 square feet. The existing building coverage is 45.3%, or 2,628 square feet. The applicant is proposing 50.4%, or 2,911 square feet.
- The required maximum impervious surface ratio in the (HMDR) zoning district is 60%, or 3,476.4 square feet. The existing impervious surface ratio is 74.8%, or 4,336 square feet. The applicant is proposing 71.9%, or 4,167 square feet.
- The minimum open space ratio is 35%, or 2,027.9 square feet. The existing open space ratio is 25.2%, or 1,458 square feet. The proposed open space ratio is 28.1%, or 1,627 square feet.

Relevant HMDR Zoning District Dimensional Requirements: Code Section 122-600				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Flood Zone	X			
Maximum Height	30 feet	N/A	N/A	In compliance
Minimum Lot Size	4,000 SF	5,794 SF	5,794 SF	In compliance
Maximum Building Coverage	40 % 2,317.6 SF	45.3 % 2,628 SF	50.4 % 2,911 SF	Variance Required +593.4 SF
Maximum Impervious Surface Ratio	60 % 3,476.4 SF	74.8 % 4,336 SF	71.9 % 4,167 SF	Variance Required +690.6 SF
Minimum Open Space	35 % 2,027.9 SF	25.2 % 1,458 SF	28.1 % 1,627 SF	Variance Required -400.9 SF
Minimum Front Yard Setback	10 feet	3 feet 3 ½ inches (For home on right side of property)	3 feet 3 ½ inches (For home on right side of property)	Existing non-conformity
Minimum Left Side Yard Setback	5 feet	31 feet 6 1/2 inches (From home on right side of property)	31 feet 2 inches (For addition)	In compliance
Minimum Right Side Yard Setback	5 feet	1 foot 5 inches (for home on right side of property)	5 feet (For addition)	In compliance
Minimum Rear Yard Setback	15 feet	61 feet 1 inch (For home on right side of property)	44 feet 4 inches	In compliance

Process:

Planning Board Meeting: August 19, 2021

Planning Board Meeting: July 15, 2021

- The item was postponed by the Planning Board last month so that the engineer could revise the site plan and site data table to reflect the removal of 15% brick pavers.

Planning Board Meeting: June 17, 2021

- The item was postponed by the applicant last month so they may reach out to their neighbor who submitted a letter of objection through his attorney.

Local Appeal Period:
DEO Review Period:

10 days
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 HMDR zoning district. However, the minimum parcel size in the HMDR zoning district is 4,000 square feet whereas, the subject property has a lot size of 5,794 square feet and includes 4 structures. 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 construct an addition to the one-story structure.

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 side yard setback, minimum open space, maximum impervious surface, and maximum building coverage. The proposed design would include 3 variance requests. An enlarged living room is not a not requirement 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 HMDR zoning district. The applicant is currently nonconforming with the maximum building coverage, impervious surface ratio, and minimum open space. The applicant is proposing to further increase these nonconformities to have a larger living room. 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 may 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 dated, August 8, 2021 by Richard J. Milelli, P.E.