

RESOLUTION NUMBER 2010-003

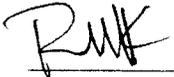
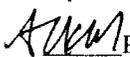
A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING VARIANCES TO SETBACK AND BUILDING COVERAGE REQUIREMENTS FOR PROPERTY LOCATED 405 FRANCES STREET (RE# 00004910-000000), PURSUANT TO SECTION 122-840 (4) & (6) OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 122-840(4)a. of the Code of Ordinances provides that the building coverage allowed is 40% for property located in the Historic Neighborhood Commercial (HNC-2) zoning district; and

WHEREAS, Section 122-840(6) a., c. & d. requires a front yard setback of 10 feet, a rear-yard setback of 15 feet and a street-side yard setback of 7.5 feet: and

WHEREAS, the applicant will reduce the current non-conforming building coverage from 89.5% to the proposed 59.5%; and

WHEREAS, the applicant requested variances to allow the proposed and existing front yard setback of 1.33 feet, the proposed rear-yard setback of 5.66 feet and the proposed street-side setback of 0 feet ; and

 Chairman
 Planning Director

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on January 21, 2009; and

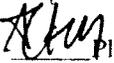
WHEREAS, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variances 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; and

WHEREAS, the Planning Board finds that the 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; and

WHEREAS, the Planning Board finds that the variances granted are the minimum variances


Chairman

Planning Director

that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of the variances will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Planning Board finds that 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 these variances; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by those neighbors.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

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

Section 2. That variances to requirements for front, rear and street-side setback and building


Chairman

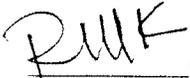
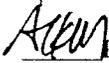
Planning Director

coverage as proposed, under the Code of Ordinances of the City of Key West, Florida, are hereby granted for property located at 405 Frances Street (RE# 00004910-000000), as shown on the attached plans received and dated January 13, 2010.

Section 3. It is a condition of these variances that full, complete, and final application for all permits required for any new construction for any use and occupancy for which these variances are wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of these variances, shall be submitted in their entirety within two years after the date hereof; and further, that no application or reapplication for new construction for which these variances are wholly or partly necessary shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to submit a full and complete application for permits for new construction for which these variances are wholly or partly necessary, or the failure to complete new construction for use and occupancy pursuant to these variances in accordance with the terms of a City building permit issued upon timely application as described in Section 3 hereof, shall immediately operate to terminate these variances, which shall be of no force or effect.

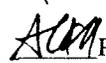
Section 5. These variances do not constitute a finding as to ownership or right to possession


Chairman

Planning Director

of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

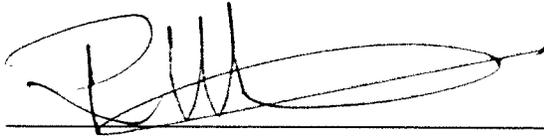
Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 7. 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 or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit or development order 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.

 Chairman
 Planning Director

Read and passed on first reading at a special meeting held this 21st day of January, 2010.

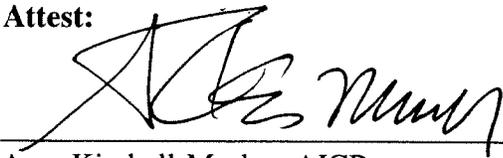
Authenticated by the Chairman of the Planning Board and the Planning Director.



Richard Klitenick, Chairman
Key West Planning Board

2/4/2010
Date

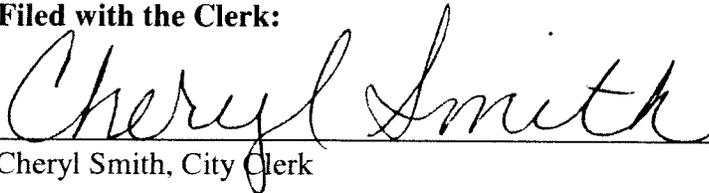
Attest:



Amy Kimball-Murley, AICP
Planning Director

2/4/2010
Date

Filed with the Clerk:



Cheryl Smith, City Clerk

2-4-10
Date

Site Plan / Floor Plan / Elevations

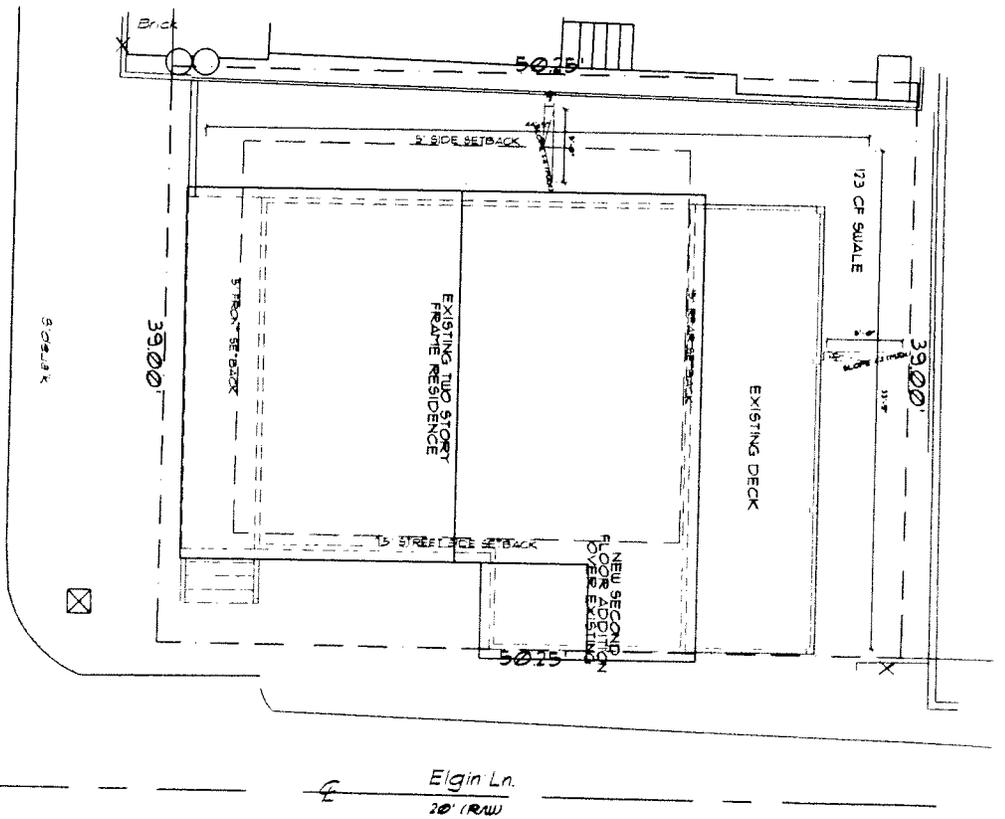
SITE ANALYSIS

ZONING	HNC
SITE AREA	1,960' (0.05 AC)
FLOOD ZONE	AE 1
MAX LOT COVERAGE	50% (980 SF)
EXISTING LOT COVERAGE	83.5% (1,755 SF)
PROPOSED LOT COVERAGE	93.5% (1,867 SF)
MAX HEIGHT	35'
SETBACKS	
FRONT	5'
REAR	15'
SIDE	5'
STREET SIDE	15'

MAX IMPERVIOUS SURFACE	60% (1,176 SF)
PROPOSED IMPERVIOUS SURFACE	58.5% (1,167 SF)

SWALE CALCULATIONS

SWALE VOLUME:
 GREATER THAN 40% IMPERVIOUS COVERAGE
 1/67 SF IMPERVIOUS AREA X 2 1/2' X 24.5 CF REQUIRED
 50% REDUCTION FOR DRY RETENTION (SFUD) X 121.9 CF SWALE VOLUME
 123 CF SWALE PROVIDED



Site Plan
 Frances St.

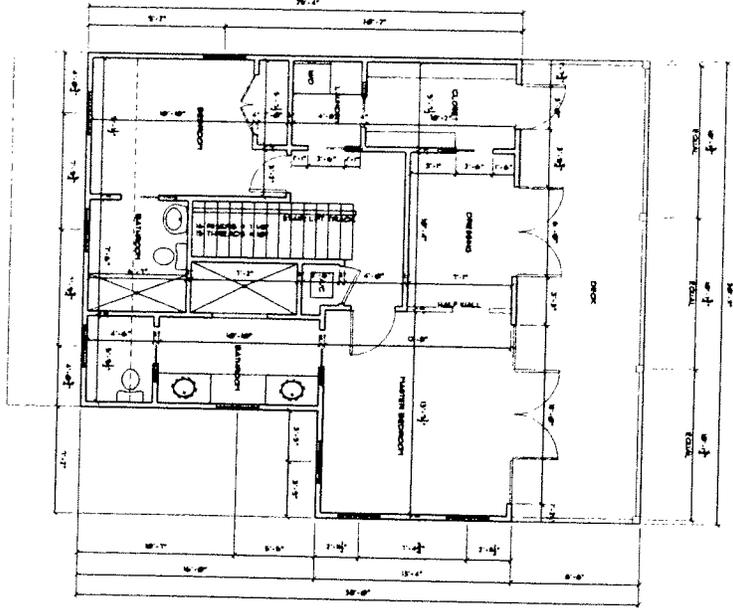
1/8" = 1' - 0"

JAN 13 2008

THOMAS E. POPE, P.A. ARCHITECT
 7009 Shrimp Road #4, Key West FL
 (305) 296 3811 TEPopePA@aol.com

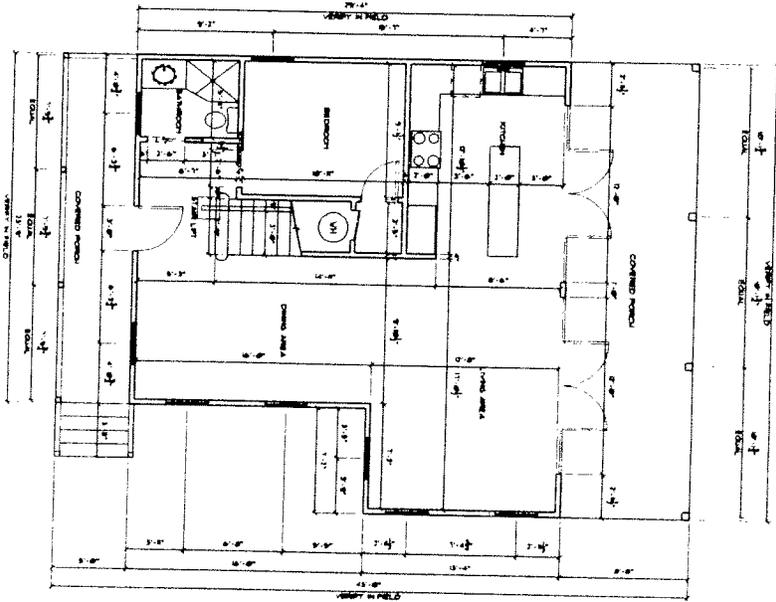
Amato Residence
 405 Francis St Key West, FL

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Second Floor Plan

1/8" = 1' - 0"



First Floor Plan

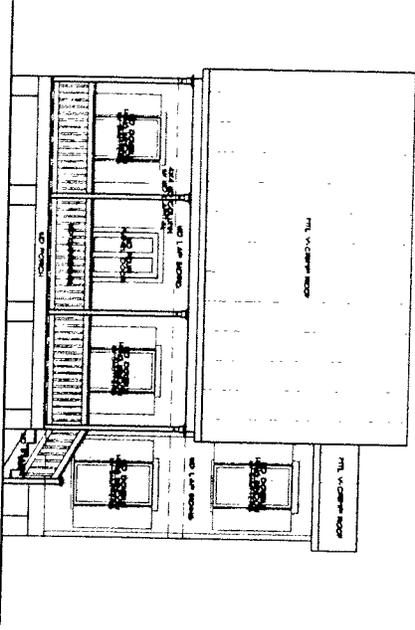
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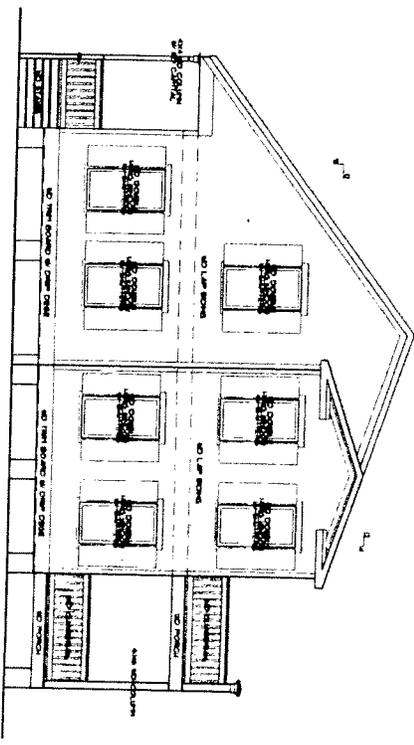
Amato Residence
 405 Francis St Key West, FL

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Front Elevation

1/8" = 1' - 0"



Street Side Elevation

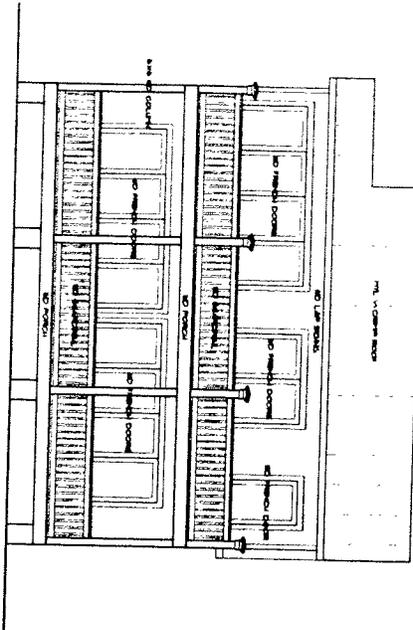
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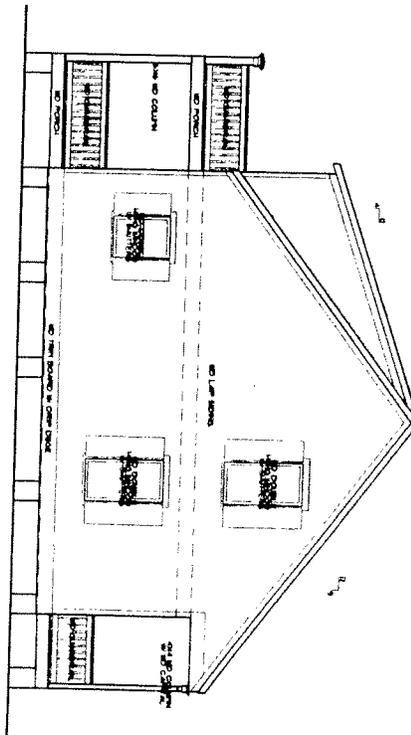
*Accepted
 D. Duke*





Front Elevation

1/8" = 1' - 0"



Side Elevation

1/8" = 1' - 0"

THOMAS E. POPE

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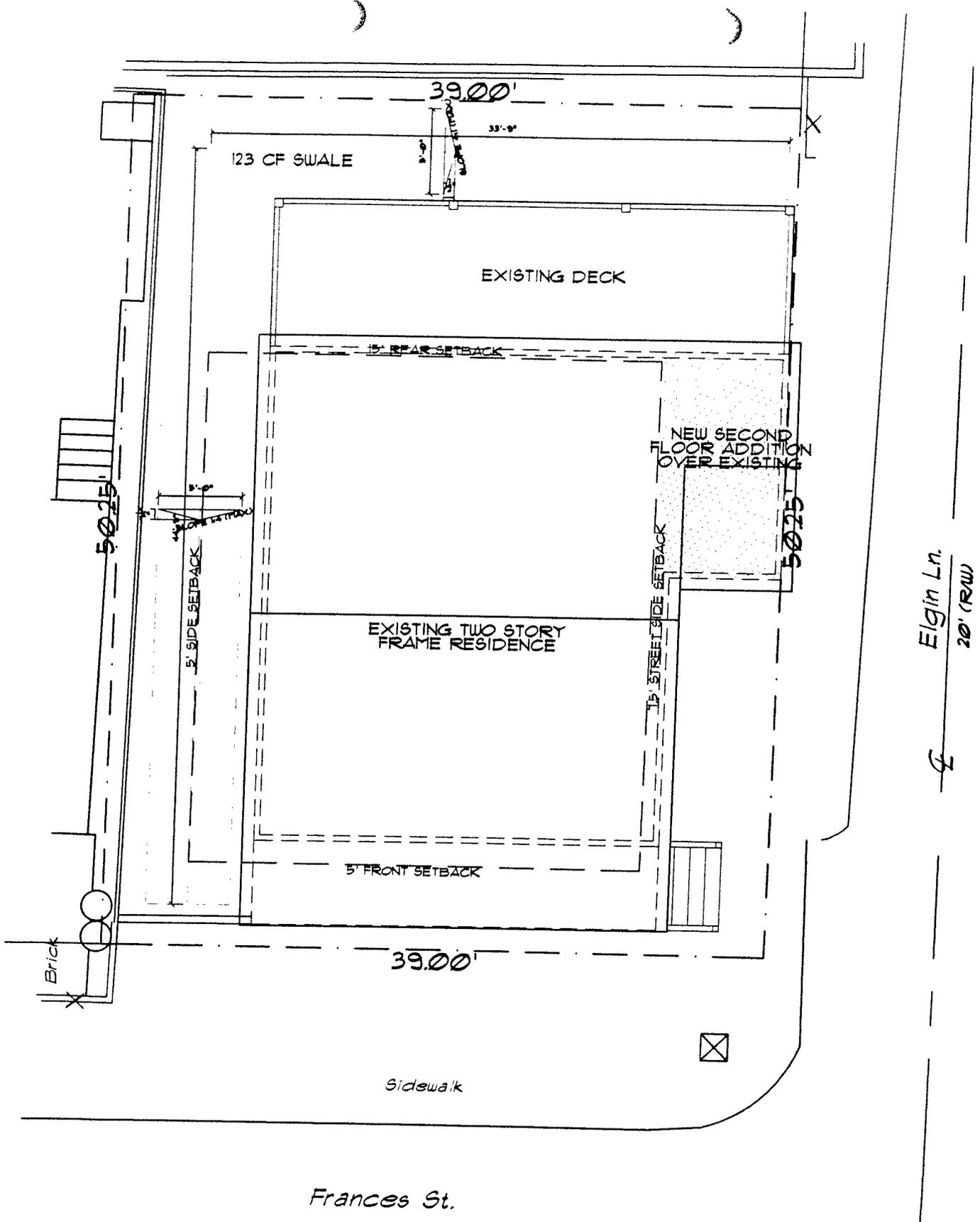
Amato Residence

405 Francis St

Key West, FL

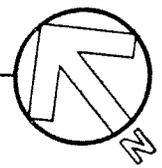
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Stormwater Plan



Drainage Plan

1/8" = 1' - 0"



*Alamy
Pulk*

SITE ANALYSIS

ZONING	HNC
SITE AREA	1,960* (0.05 AC)
FLOOD ZONE	AE 1
MAX LOT COVERAGE	50% (980 SF)
EXISTING LOT COVERAGE	89.5% (1755 SF)
PROPOSED LOT COVERAGE	59.5% (1167 SF)
MAX HEIGHT	35'
SETBACKS	
FRONT	5'
REAR	15'
SIDE	5'
STREET SIDE	7.5'
MAX IMPERVIOUS SURFACE	60% (1176 SF)
PROPOSED IMPERVIOUS SURFACE	59.5% (1167 SF)

SWALE CALCULATIONS

SWALE VOLUME:

GREATER THAN 40% IMPERVIOUS COVERAGE

1167 SF IMPERVIOUS AREA \times 2.5/12 = 243 CF REQUIRED

50% REDUCTION FOR DRY RETENTION (SFUMD) = 121.5 CF SWALE VOLUME

123 CF SWALE PROVIDED

Alex
Rut