

**PLANNING BOARD  
RESOLUTION No. 2012- 21**

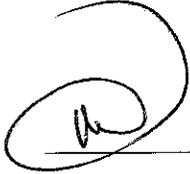
**A RESOLUTION OF THE KEY WEST PLANNING BOARD  
FOR VARIANCES TO A REAR YARD SETBACK OF  
TWELVE FEET AND BUILDING COVERAGE FOR  
1.7 % FOR PROPERTY LOCATED AT 1107  
GRINNELL STREET (RE#00031760-000100) IN THE  
HMDR ZONING DISTRICT PER SECTION 90-391,  
SECTION 122-600(4)A. AND SECTION 122-600(6)C. OF  
THE LAND DEVELOPMENT REGULATIONS OF THE  
CODE OF ORDINANCES OF THE CITY OF KEY WEST;  
PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 122-660(6) c. of the Code of Ordinances provides that the rear-yard setback in the HMDR zoning district is fifteen feet; and

**WHEREAS**, the existing side-yard setback is three feet; and

**WHEREAS**, the applicant requested a variance to rear-yard setback requirements to allow a two storey addition of approximately 340 square feet; and

**WHEREAS**, this matter came before the Planning Board at various duly noticed public hearings on February 16, 2012, and again on March 15, 2012 where the applicant requested postponement and on April 19, 2012 the Planning Board requested postponement to resolve concerns from the neighbor; and

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Planning Director

**WHEREAS**, this matter came before the Planning Board at a special meeting on May 31, 2012; 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 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; and

**WHEREAS**, the Planning Board finds 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; and

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Planning Director

**WHEREAS**, the Planning Board finds that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

**WHEREAS**, the Planning Board finds 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; 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 any variance; 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 after the fact 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.



Chairman



Planning Director

**Section 2.** That the request for variances for a rear yard setback of twelve feet and building coverage for 1.7% is granted for property located at 1107 Grinnell Street (RE# 00031760-000100) in the HMDR zoning district per section 90-391, section 122-600(4)a. and section 122-600(6)c. of the Land Development Regulations of the Code of Ordinances of the City of Key West, as shown on the attached plan date stamped April 9, 2012 with the following conditions of approval:

1. The Privacy Shutters, as represented in the submitted plans, on the second floor deck are to be at least 9 feet wide and at least 6 feet high, to be positioned on the rearmost southeast facing portion of deck, in the position represented in the submitted plan, nearest to the southeast property boundary (54.65 feet in length) perpendicular to Grinnell Street (such boundary is referred to in these conditions as the "Southeast Property Boundary") The Privacy Shutters may only be removed for a reasonable period of time for refurbishment, replacement, repair or maintenance, but must remain a fixture of the property.
2. A Bahama type shutter, intended for privacy as well, is to be installed on the rear wing second story window (existing) facing the Southeast Property Boundary, as represented in the submitted plan, to be maintained and removed for a reasonable period of time only for refurbishment, replacement, repair or maintenance, but must remain a fixture of the property.
3. The contemplated swimming/dip pool equipment is to be located behind and to the rear of the dwelling structure, and not between the dwelling structure and the Southeast Property



Chairman



Planning Director

Boundary. The contemplated swimming/dip pool equipment shall at no time be moved to any other location on the property closer to the Southeast Property Boundary as shown on the revised site plans approved by HARC and submitted with this variance application.

4. The proposed upper deck is not to be expanded such that it is any closer to the neighboring dwelling structures opposite the Southeast Property Boundary as of the effective date of this variance.
5. The total width of the existing second story structural openings for windows and doors facing the Southeast Property Boundary are not to be increased, as represented on the plans submitted with the subject variance application.
6. Conditions one (1) through (5) above, as defined by the terms and limits thereof, shall be met by the property owner, his successors, heirs and assigns taking title to, possession, control, or ownership of the property, and any and all subsequent owner or owners taking title to or ownership of the property subsequent to the effective date of this variance.
7. That a short form memorandum that references the variance conditions is recorded in the public Records of Monroe County.

**Section 3.** It is a condition of this variance that full, complete, and final application for all conditions of this approval for any use and occupancy for which this variance is wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application shall be made after expiration of the two-year period without the applicant obtaining



Chairman



Planning Director

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 fully and completely apply the conditions of approval for permits for use and occupancy pursuant to this variance in accordance with the terms of and as described in Section 3 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

**Section 5.** This variance does not constitute a finding as to ownership or right to possession 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

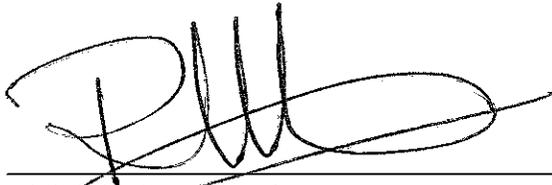
  
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Chairman

  
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Planning Director

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.

Read and passed on first reading at a special meeting held this 31st day of May, 2012.

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

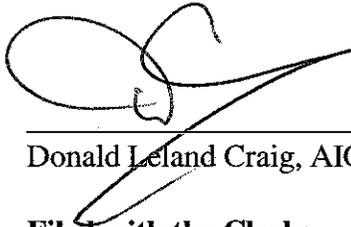


Richard Klitenick, Chairman  
Key West Planning Board

6/6/2012

Date

**Attest:**



Donald Leland Craig, AICP, Planning Director

6-5-12

Date

**Filed with the Clerk:**



Cheryl Smith, City Clerk

6-6-12

Date

\_\_\_\_\_ Chairman

 \_\_\_\_\_ Planning Director



WILLIAM P. HORN  
ARCHITECT, P.A.

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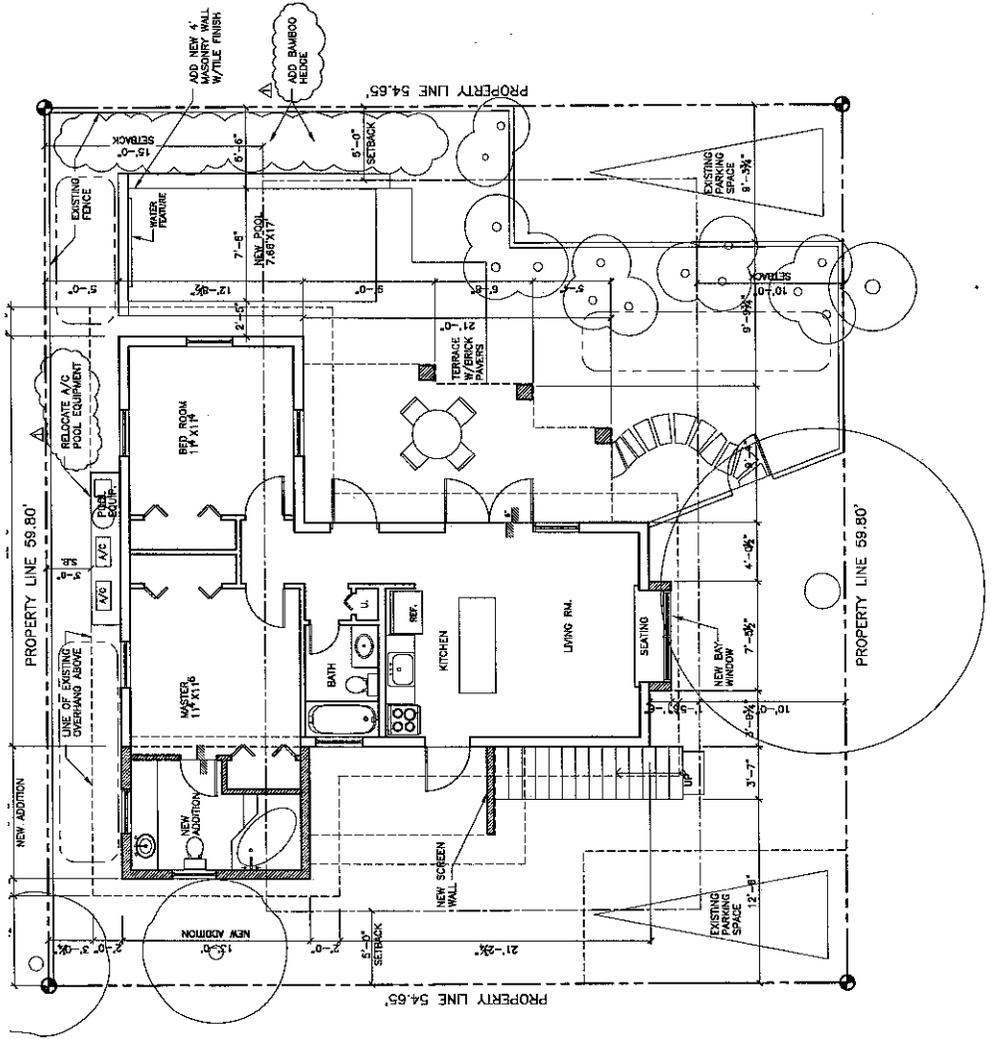
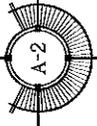
1107 GRINNELL  
STREET  
KEY WEST, FLORIDA

SEAL

DATE  
11-1-11 HARC  
12-01-11 VARIANCE

REVISIONS  
A/19-08-12 PL. BD. REV.

DRAWN BY  
BMA  
P.H.  
PROJECT  
NUMBER  
1121



GRINNELL STREET



PROPOSED 1ST. FLOOR PLAN

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

1107 GRINNELL STREET  
KEY WEST, FLORIDA

*Handwritten initials 'PH'*

*Handwritten signature 'Runk'*

WILLIAM P. HORN  
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FAX 305.296.1100

LICENSE NO.  
FLORIDA

1107 GRINNELL  
STREET  
KEY WEST, FLORIDA

SEAL

DATE  
11-11-11 HARC  
12-01-11 VARIANCE

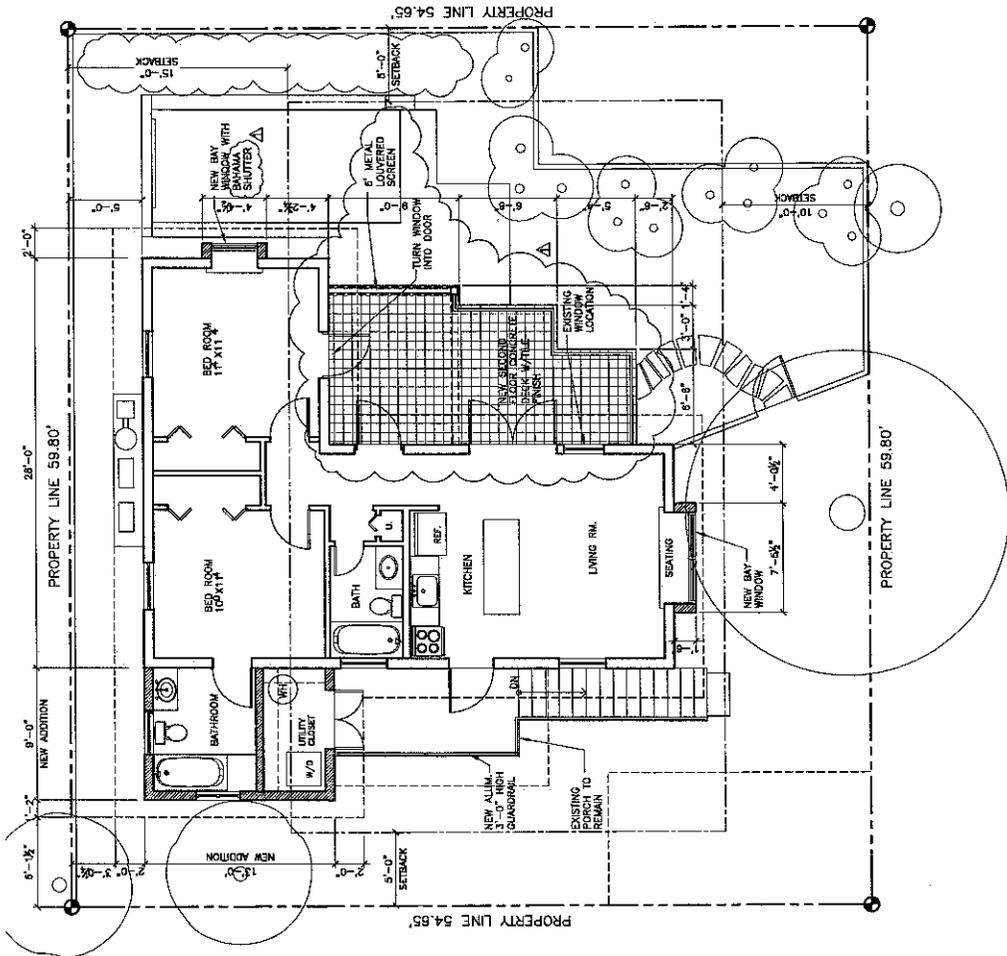
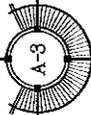
REVISIONS  
12-04-12 PL. ED. REV.

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PROJECT  
NUMBER

1121

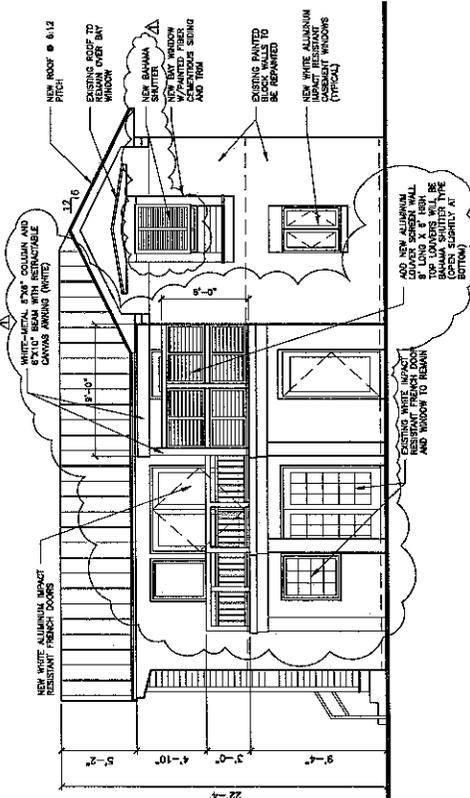
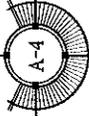


GRINNELL STREET

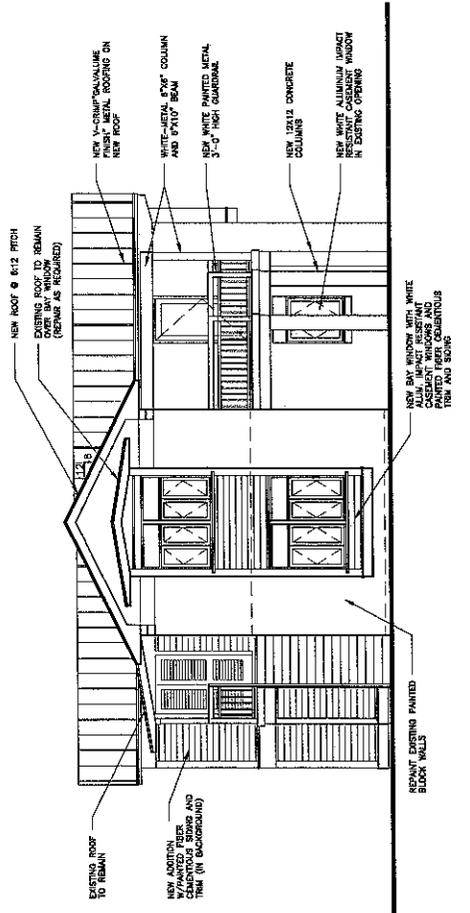
PROPOSED 2ND FLOOR PLAN  
SCALE: 1/4"=1'-0"

1107 GRINNELL STREET  
KEY WEST, FLORIDA

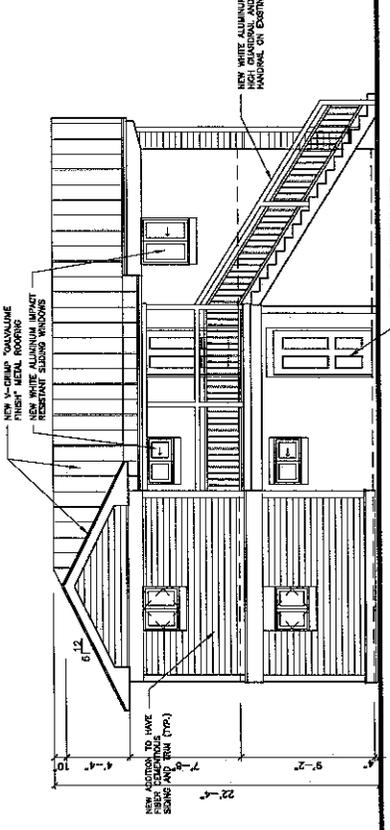
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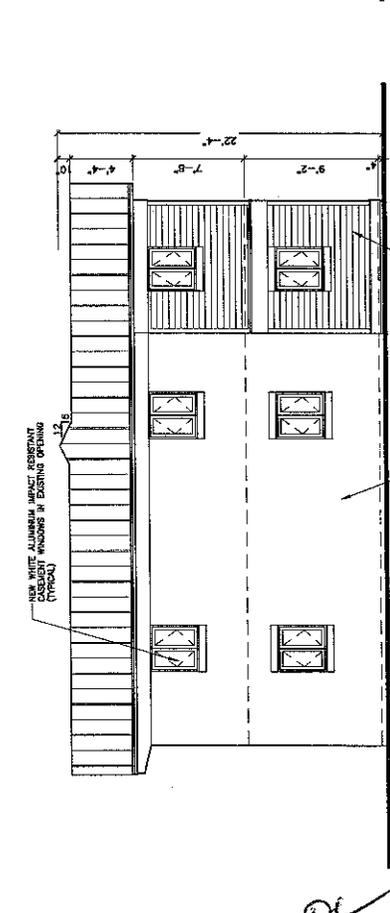
1 PROPOSED SIDE ELEVATION  
SCALE: 1/4"=1'-0"



2 PROPOSED FRONT ELEVATION  
SCALE: 1/4"=1'-0"



4 PROPOSED SIDE ELEVATION  
SCALE: 1/4"=1'-0"



3 PROPOSED BACK ELEVATION  
SCALE: 1/4"=1'-0"

*Handwritten signature or initials.*