PLANNING BOARD RESOLUTION
NUMBER 2009-019

A RESOLUTION OF THE KEY WEST PLANNING BOARD TO ALLOW VARIANCES TO THE BUILDING COVERAGE REQUIREMENTS PER SECTION 122-600(4.)a., SIDE YARD SETBACK REQUIREMENTS PER SECTION 122-600(6)b., AND STREET SIDE SETBACK REQUIREMENTS PER SECTION 122-600(6)d.,ON PROPERTY LOCATED AT 1411 ELIZA STREET (RE# 00034240-000000), PURSUANT TO SECTION 90-274 AND SECTIONS 90-391 THROUGH 90-397 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA ; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 90-391 of the Code of Ordinances allows applicants to request variances to provisions of the land development regulations; and

WHEREAS, the applicant requested variances to building coverage percentage, side yard setback, and street side setback requirements; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on May 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

_____ Chairman

_____ Planning Director

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 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 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

_____ Chairman

_____ Planning Director

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 the: building coverage requirements per Section 122-600(4) a., of 5.5 percent, from the 40 percent maximum allowed to the 45.5 percent proposed (42.9 percent existing); side yard setback requirements per Section 122-600(6)(b.), of 2.6 feet, from the 5 feet required to the 2.6 feet proposed (2.6 feet existing); street side setback requirements per Section 122-600(6)(d.), of 2.4 feet, from the 7.5 feet required to the 5.1 feet proposed (1.1 feet existing); under the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, are hereby granted for property located at **1411 Eliza Street, (RE# 00034240-000000),** as shown on the attached site plan received April 29, 2009, with the following conditions of approval:

1. It is a condition of this variance that the applicant will obtain necessary landscape-related approvals prior to the issuance of building permits.

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 this variance is wholly or partly necessary, whether or not such construction is suggested or proposed in the

RMK Chairman

Planning Director

documents presented in support of this variance, shall be submitted in its 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 variances shall be of no force or effect.

Section 5. These variances do 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 will be rendered to the Florida Department of Community Affairs. Pursuant to

RWK Chairman

AHM Planning Director

Chapter 9J-1, F.A.C., this permit 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 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 regular meeting held this 22 day of MAY, 2009.

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

Richard Klitenick, Chairman
Key West Planning Board

MAY 22, 2009
Date

Attest:

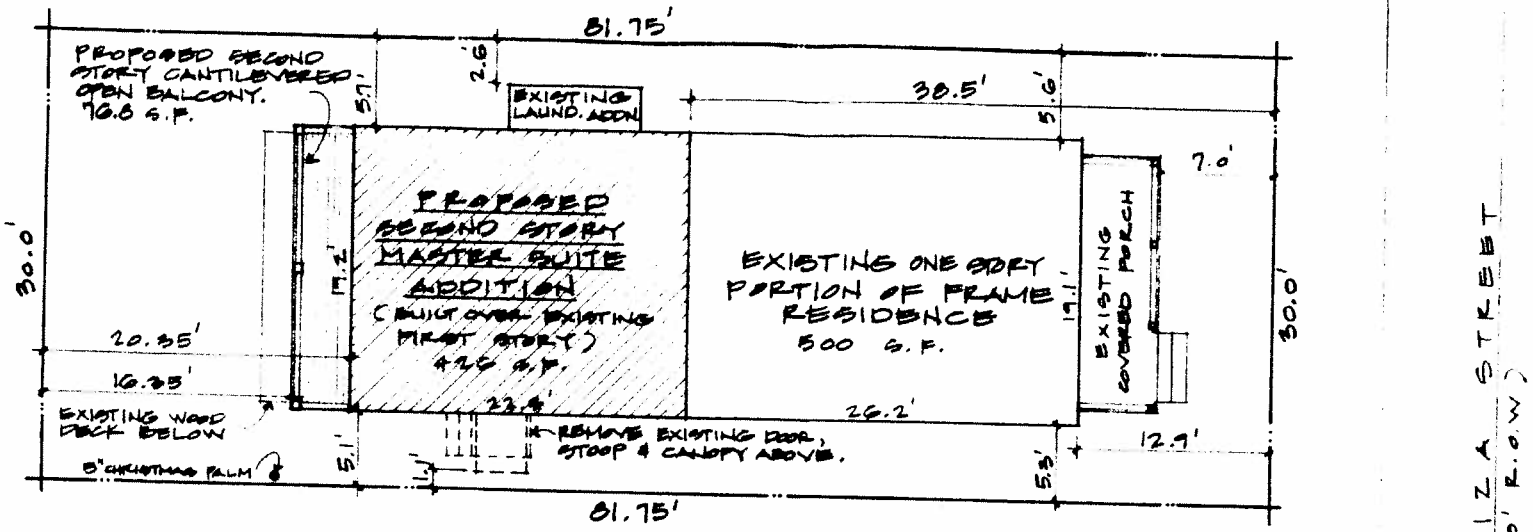
Amy Kimball-Murley, AICP
Planning Director

May 22, 2009
Date

Filed with the Clerk:

Cheryl Smith, City Clerk

5-26-09
Date



℄ FLORIDA STREET (50' R.O.W.)

NORTH

SITE PLAN

1" = 10'

KEY WEST PLANNING BOARD
APR 23 2009
MONROE COUNTY

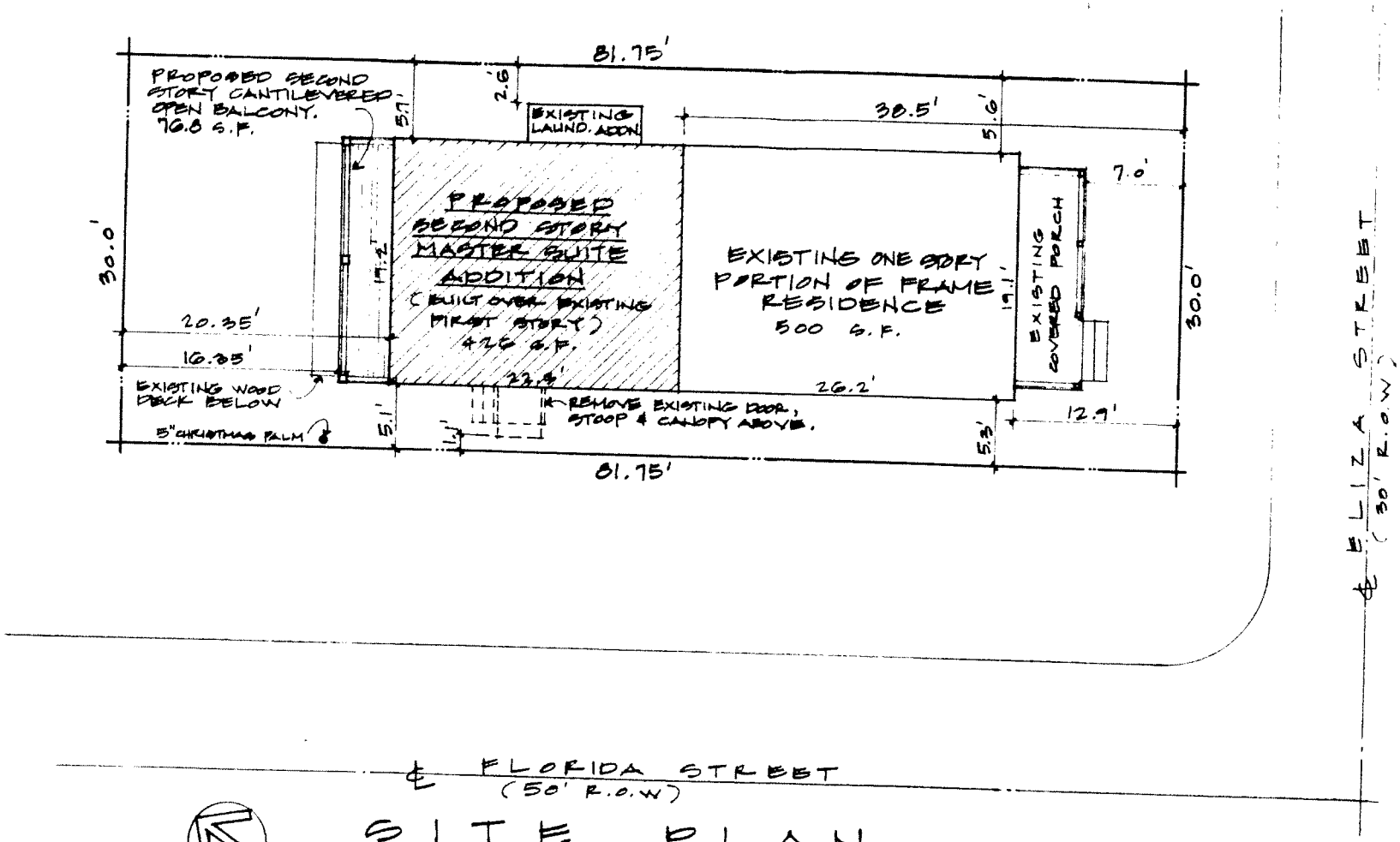
C. Leon Williams
design consultancy
ph: 305. 296.6348
fax: 305 296.8452
3810 Fogarty Ave. Key West, FL 33040

WISCHERTH RESIDENCE
1411 ELIZA ST. KEY WEST, FL

8-9-06

1 of 6

RWK



SITE PLAN

1" = 10'

KEY WEST PLANNING DEPT.
APR 29 2009
MONROE COUNTY

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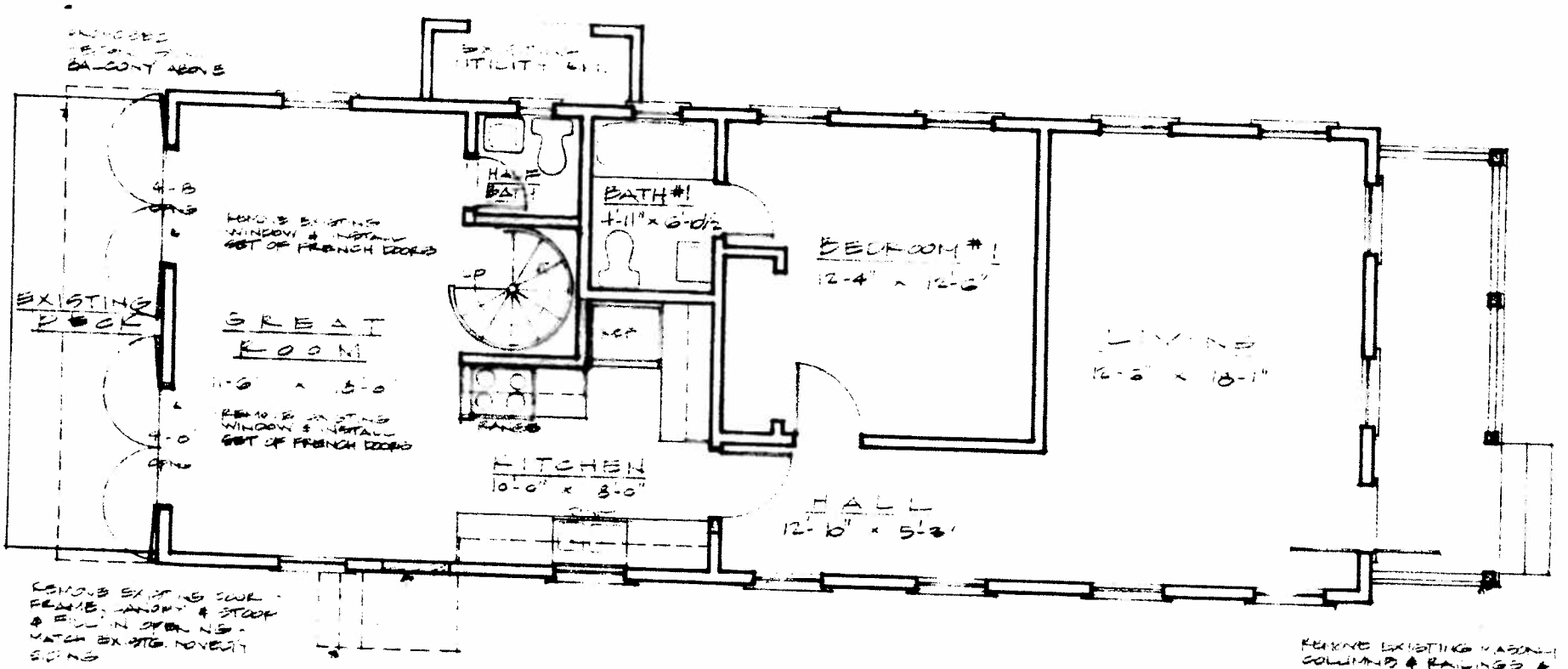
2610 Fogarty Ave. Key West, FL 33040

WISCHERTH RESIDENCE
1411 ELIZA ST. KEY WEST, FL

8-9-06

1 OF 6



FIRST FLOOR PLAN -Proposed

C. Leon Williams
design consultant
ph: 305. 296.6346
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2010 Fogarty Ave. Key West, FL 33040

WISCHERTH RESIDENCE
1411 ELIZA ST. KEY WEST, FL

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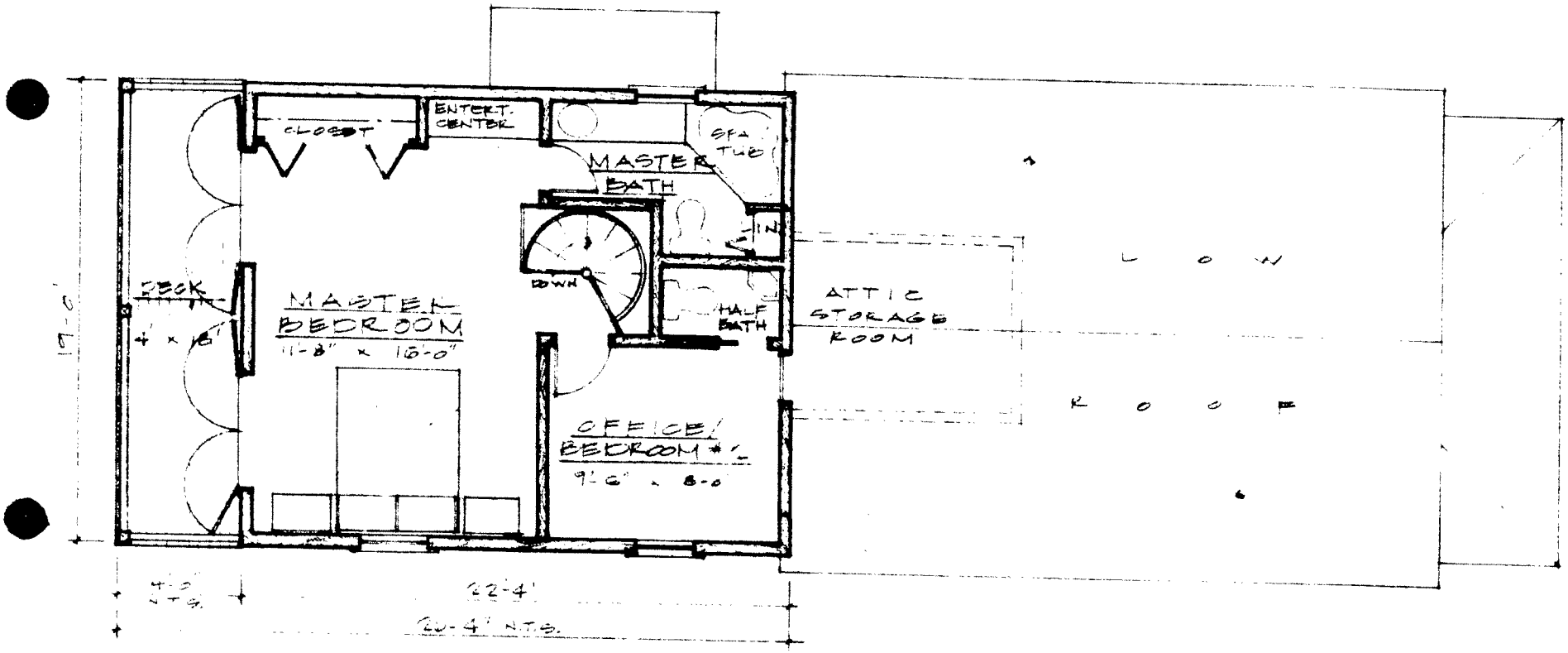
OF 6

Arkin
Rink



SECOND FLOOR PLAN - Proposed

C. Leon Williams
design consultant
ph. 305 296 5548
fax 305 296 8852
2610 Folsom Ave. Key West, FL 33040

WISCHERTH RESIDENCE
1411 ELIZA ST. KEY WEST, FL

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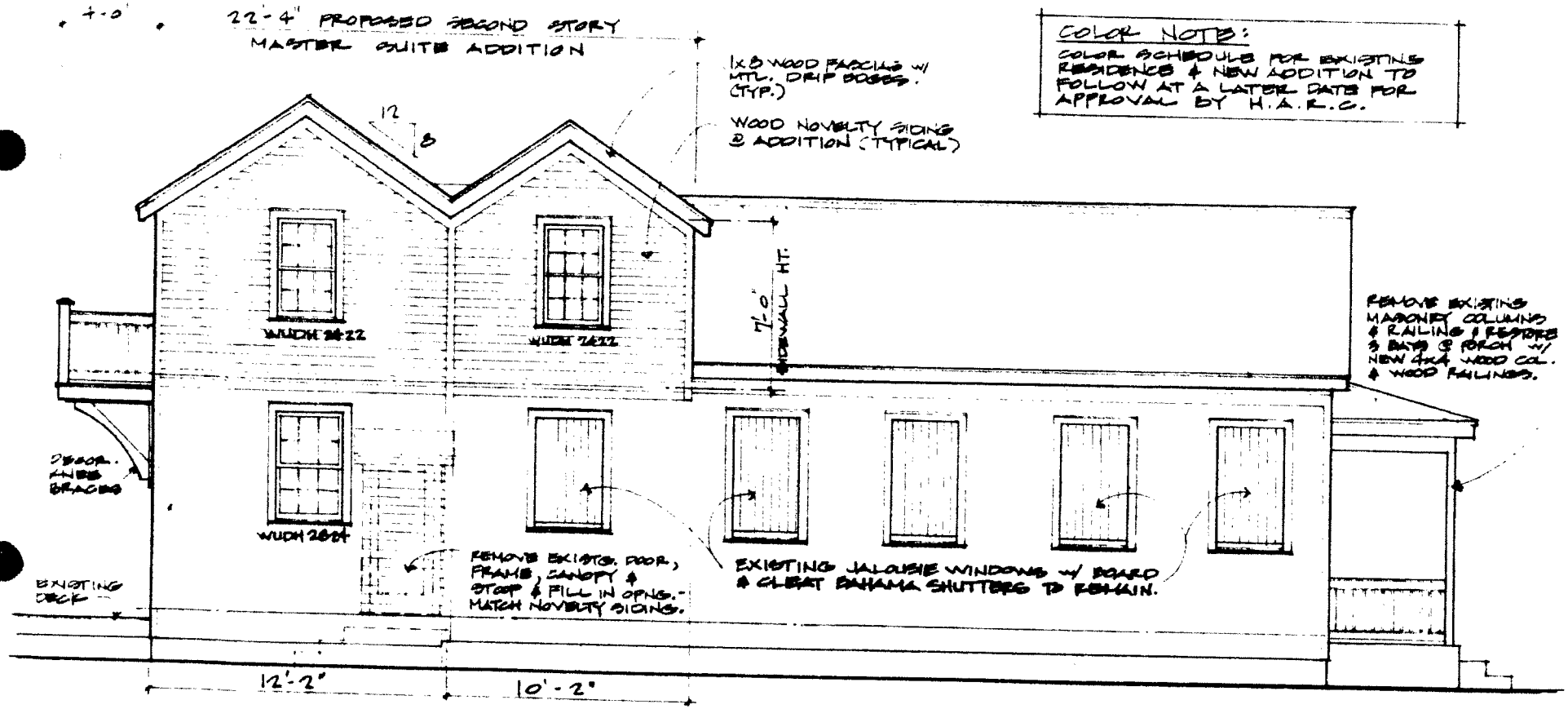
OF 6



COLOR NOTE:
COLOR SCHEDULE FOR EXISTING RESIDENCE & NEW ADDITION TO FOLLOW AT A LATER DATE FOR APPROVAL BY H.A.R.C.

PROPOSED WEST ELEVATION

Ackey
Rmk

C. Leon Williams
design consultant
ph: 305 296 8548
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2810 Fogarty Ave. Key West, FL 33040

WISCHERTH RESIDENCE
1411 ELIZA ST. KEY WEST, FL

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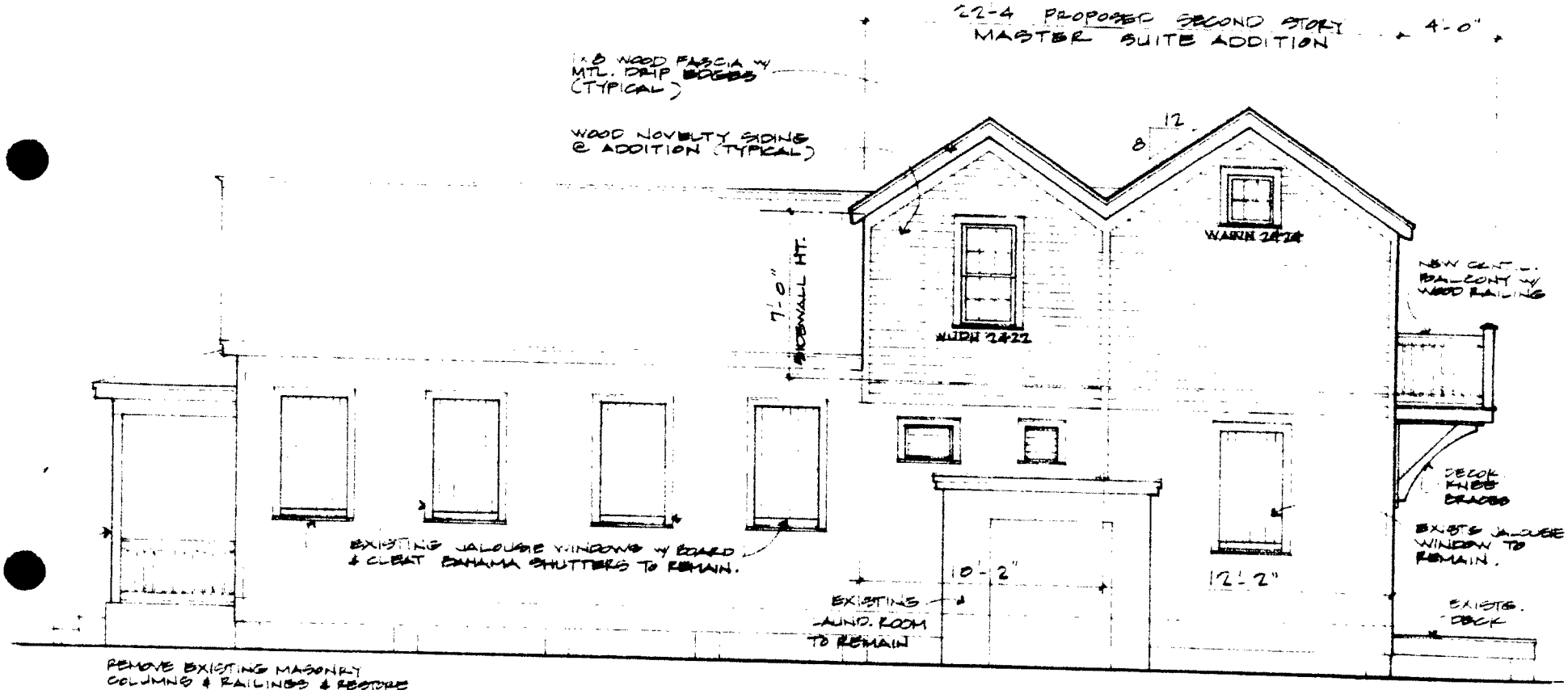

PROPOSED EAST ELEVATION

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ph. 305 296 6348
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WISCHERTH RESIDENCE
1411 ELIZA ST. KEY WEST, FL

8-9-06

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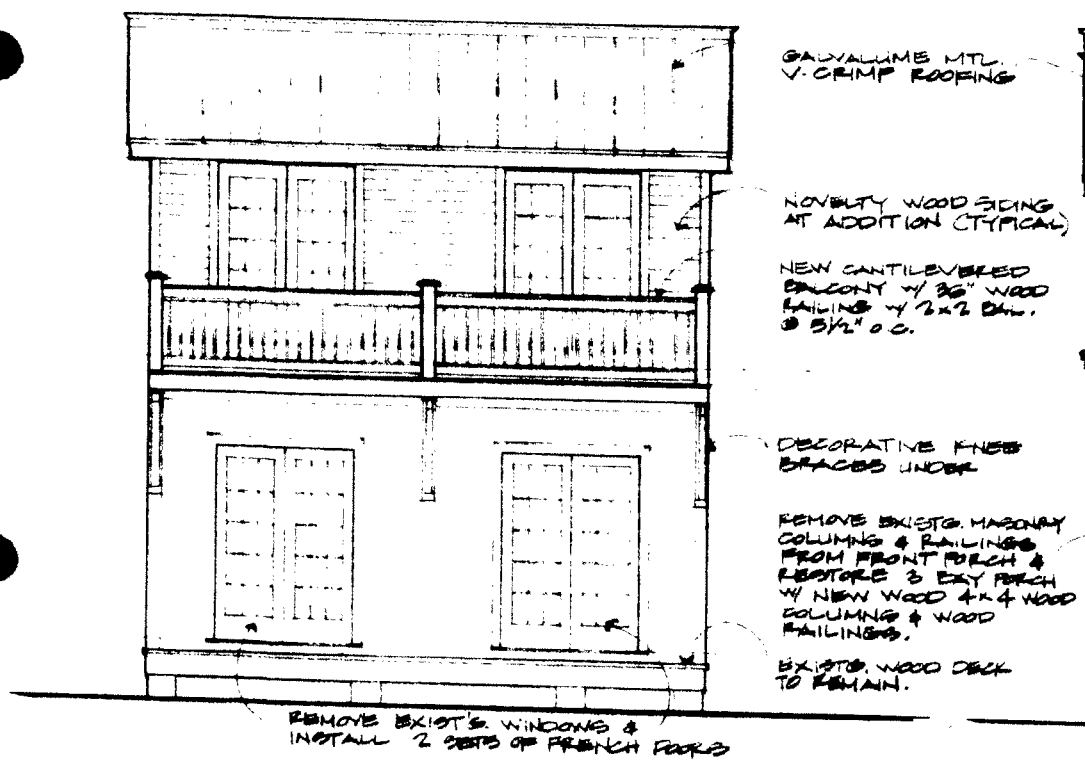
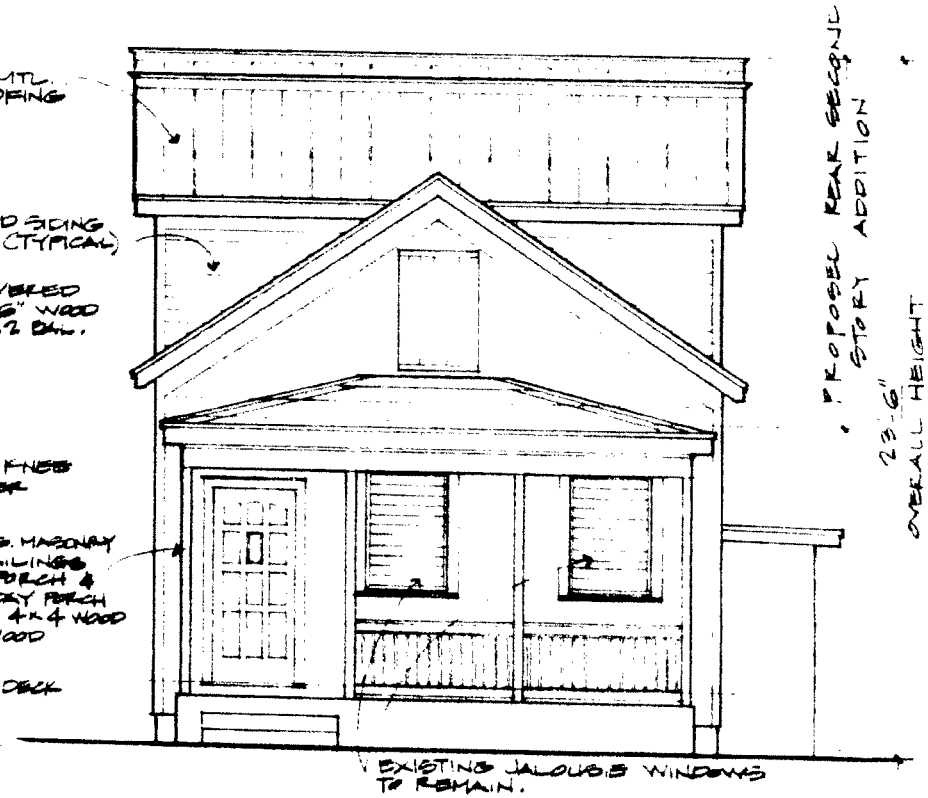


PROPOSED REAR ELEVATION



PROPOSED FRONT ELEVATION

C. Leon Williams
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WISCHERTH RESIDENCE
1411 ELIZA ST. KEY WEST, FL

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