

**RESOLUTION NUMBER 2009-34**

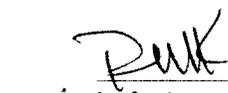
**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A VARIANCE FOR FRONT SETBACK REQUIREMENTS FOR PROPERTY LOCATED AT 1 PINDER LANE (RE# 00008400-000000), PURSUANT TO SECTION 122-630(6)a AND SECTION 122-28(b) AND SECTION 90-274 AND SECTIONS 90-391 THROUGH 90-397 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 122-28(b) of the Code of Ordinances provides that if the value of a voluntary reconstruction of a nonconforming residential structure exceeds 66% of the appraised value of the structure, that a variance is required by the Planning Board; and

**WHEREAS**, Section 122-630(6)a of the Code of Ordinances provides that the minimum required front yard setback is ten feet; and

**WHEREAS**, the applicant requested a variance to allow a front yard setback triggered by Section 122-28(b), for nonconforming residential structures; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed special public hearing on August 25, 2009; and

  
Chairman  
  
Planning Director

**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

**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 grant of the variance will be in harmony with

  
Chairman  
  
Planning Director

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 a 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 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.

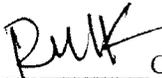
**Section 2.** That a variance to dimensional requirements for front yard setbacks per Section 122-630(6)a and to nonconforming residential structures Section 122-28(b), under the Code of Ordinances of the City of Key West, Florida, is hereby granted for property located at 1 Pinder Lane (RE#00008400-000000), as shown on the attached plans dated July 30, 2009.

  
Chairman  
  
Planning Director

**Section 3.** It is a condition of this variance 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 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 the variance is 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 this variance is wholly or partly necessary, or the failure to complete new construction for use and occupancy pursuant to this variance 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 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.

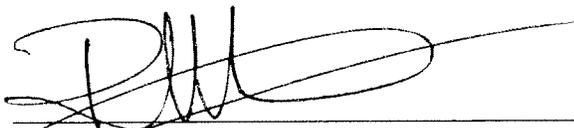
  
Chairman  
  
Planning Director

**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.

Read and passed on first reading at a special meeting held this 25 day of August, 2009.

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



Richard Klitenick, Chairman  
Key West Planning Board

9/16/09

Date

**Attest:**

  
Chairman  
  
Planning Director

*Amy Kimball-Murley*

9/16/09

Amy Kimball-Murley, AICP  
Planning Director

Date

**Filed with the Clerk:**

*Cheryl Smith*

9-16-09

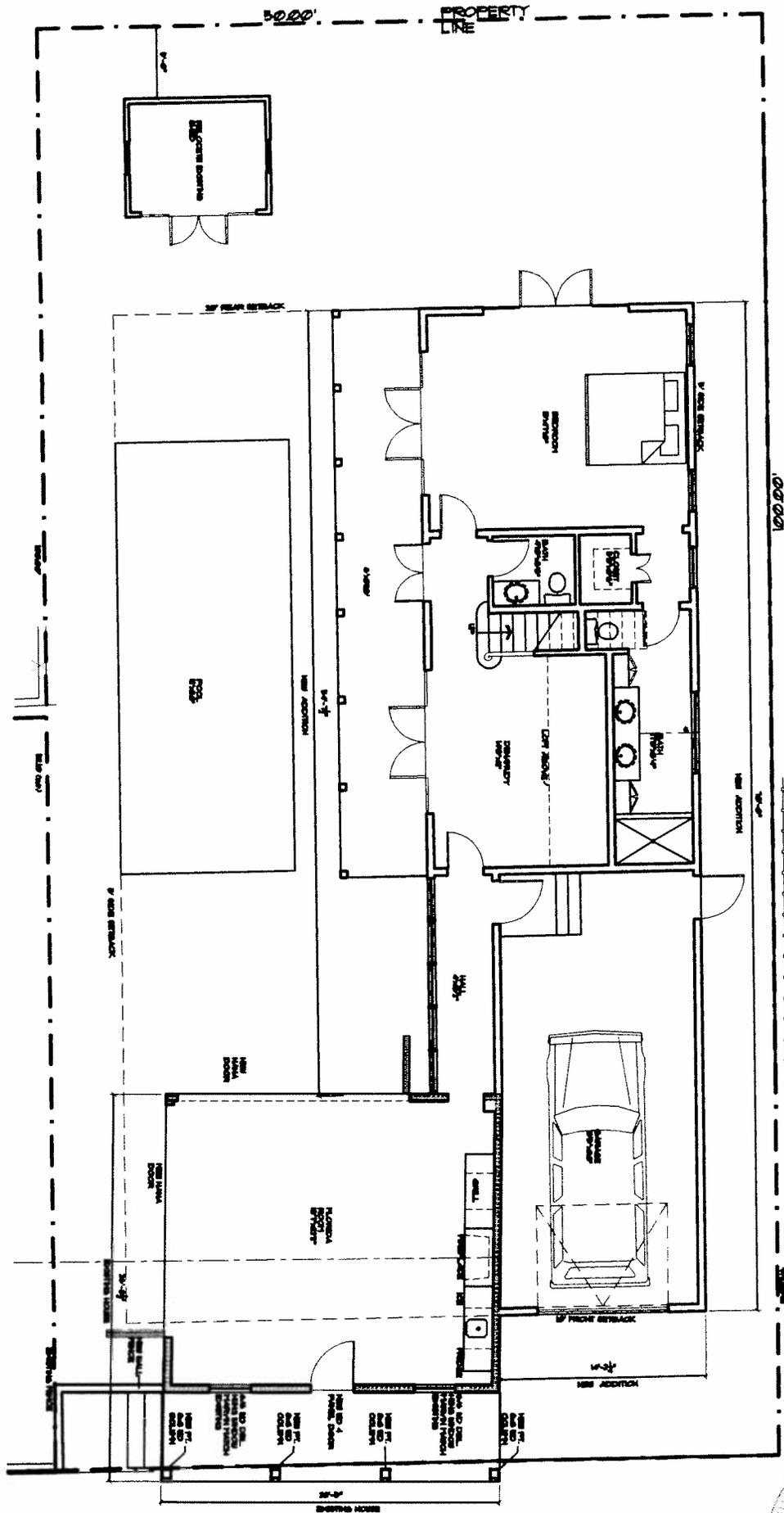
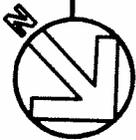
Cheryl Smith, City Clerk

Date

*Reuk* Chairman  
*AKM* Planning Director

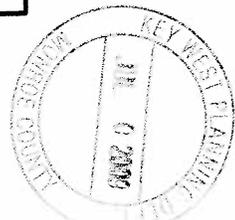
# Site Plan

N/A

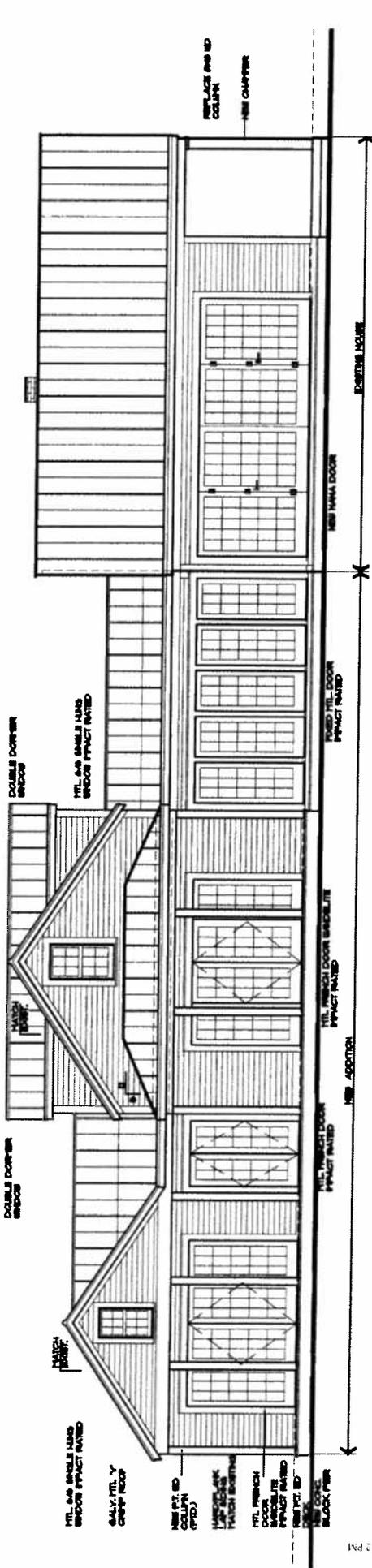


PINDER LANE

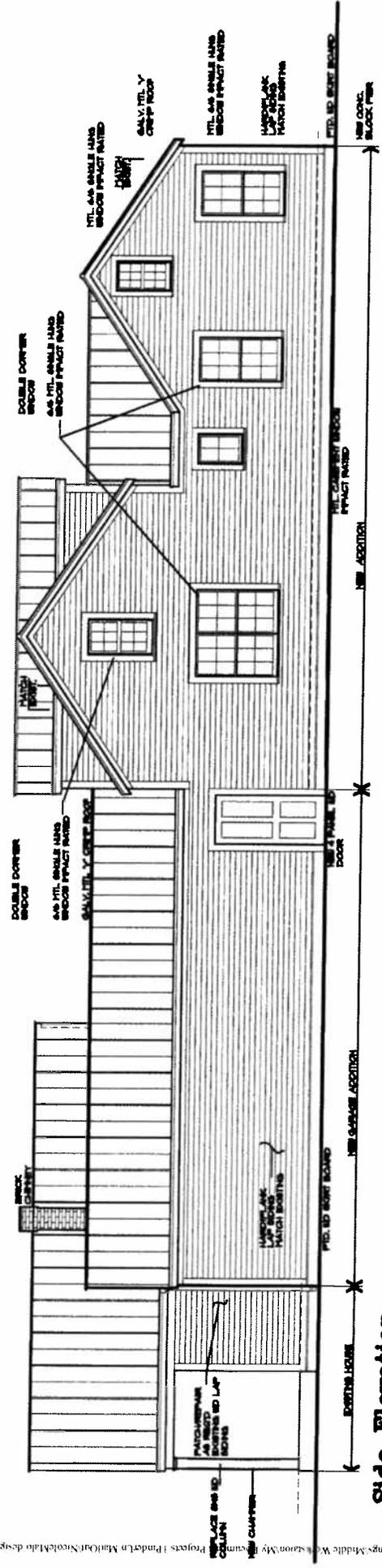
*Rev  
9/16/09  
Alex  
9/16/09*



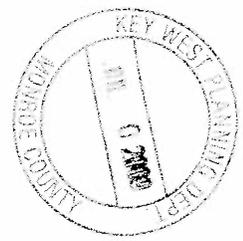




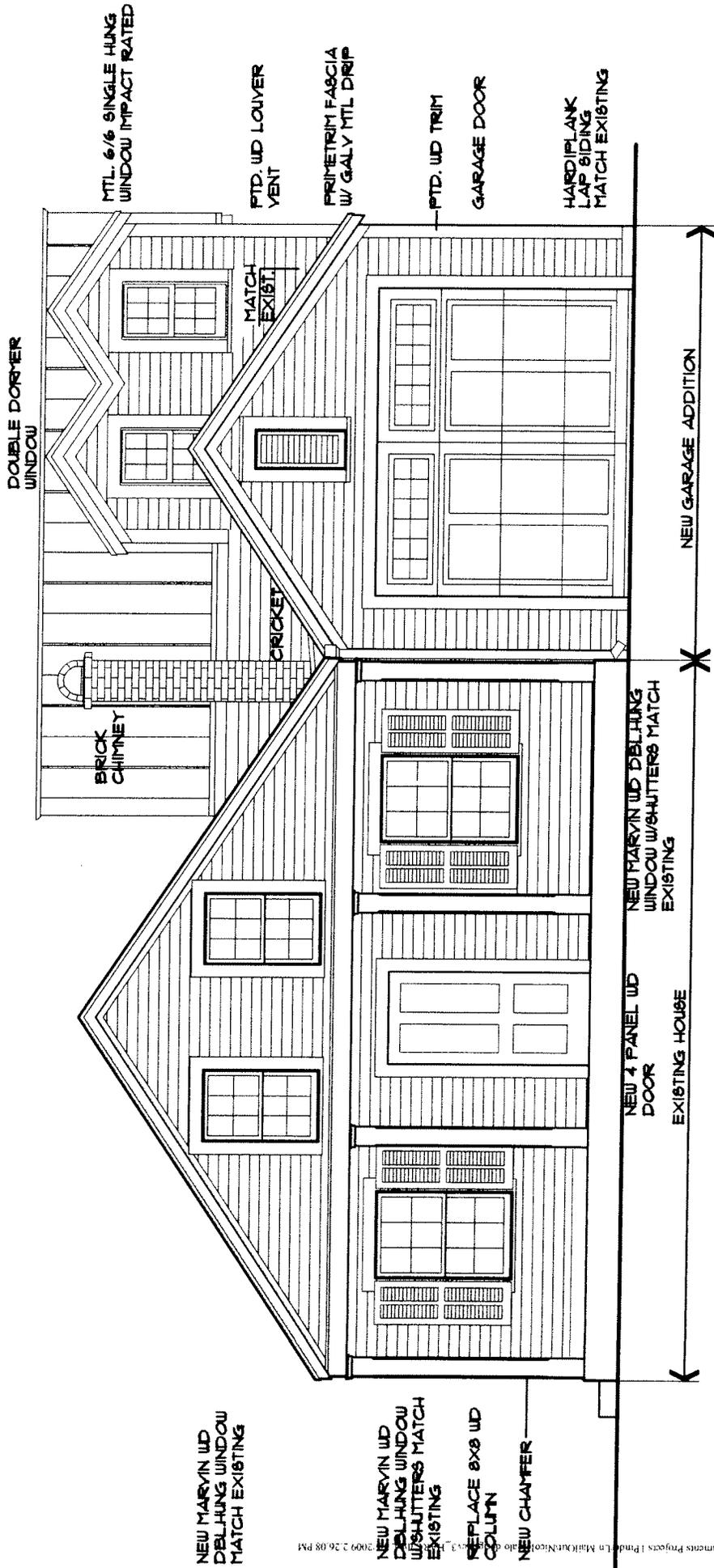
**Side Elevation - Courtyard**  
N/A



**Side Elevation**  
N/A



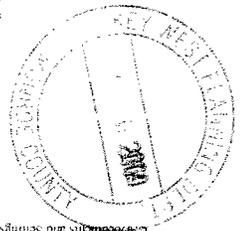
*Alan  
9/16/09  
Alan  
9/14/09*

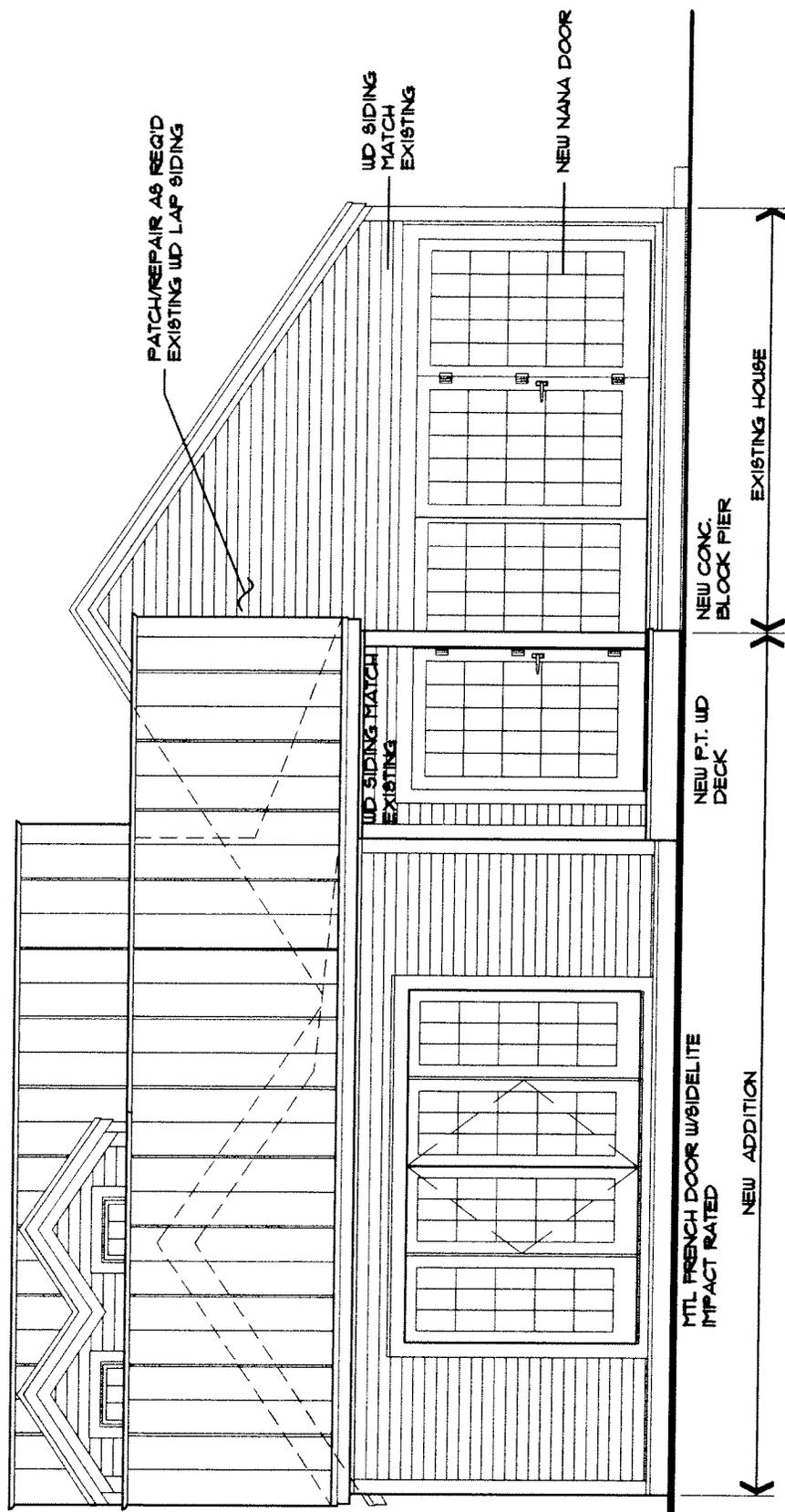


# Front Elevation - Pinder Lane

1/4" = 1' - 0"

*PKK  
9/16/09  
AC  
9/16/09*





DOUBLE DORMER WINDOW

GALV. MTL. W/ CRIMP ROOF

PERIMETER FASCIA W/ GALV MTL DRIP

8 LITE MTL FRENCH DOORS W/ FIXED 8 LITE SIDE PANELS IMPACT RATED

HARDPLANK LAP SIDING MATCH EXISTING

F.T.D. W.D. SKIRT BOARD

PATCH/REPAIR AS REQ'D EXISTING W.D. LAP SIDING

UP SIDING MATCH EXISTING

NEW NANA DOOR

UP SIDING MATCH EXISTING

M.T.L. FRENCH DOOR W/SIDELITE IMPACT RATED

NEW P.T. W.D. DECK

NEW CONC. BLOCK PIER

NEW ADDITION

EXISTING HOUSE

# Rear Elevation

1/4" = 1' - 0"

*Handwritten:* RWK  
9/16/09  
9/16/09

