

**PLANNING BOARD RESOLUTION  
2011-060**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD FOR A VARIANCE APPROVAL FOR AN 8' FENCE IN THE REAR AND SIDE YARD OF PROPERTY LOCATED AT 1210 WASHINGTON STREET IN THE HMDR ZONING DISTRICT PER SECTION 90-391 AND SECTIONS 122-1183(D.) (1.) (C) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST.**

**WHEREAS**, Section 122-1183(D.) (1.) (C) of the Code of Ordinances provides that the maximum height of a fence may be 6' in height if the top 2' has openings of at least 50% or more; and

**WHEREAS**, the applicant requested variances to the fence height restrictions to allow for an 8' fence in the side and rear yards, beginning 24' from the front property line; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on November 17, 2011; 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

  
Chairman  
  
Planning Director

**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 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 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

  
Chairman  
  
Planning Director

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 variance application, and by addressing the objections expressed by those neighbors;

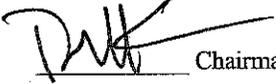
**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

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

**Section 2.** A variance approval for a resolution of the Key West Planning Board for a variance approval for an 8' fence in the rear and side yard of property located at 1210 Washington Street (RE# 00041290-000000) in the HMDR zoning district per Section 90-391 and Section 122-1183(d)(1)(c) of the Land Development Regulations of the Code of Ordinances of the City of Key West. See site plans recorded March 16, 2011, with the following condition:

1. That a Certificate of Appropriateness is obtained for the fence in accordance with Code Section 122-1183(b).

**Section 3.** It is a condition of these variances that full, complete, and final application for all conditions of this approval for any use and occupancy for which these variances are wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application or 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

  
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Planning Director

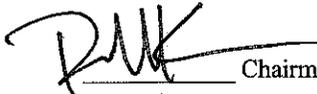
to the property or its underlying zoning has occurred.

**Section 4.** The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the 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.

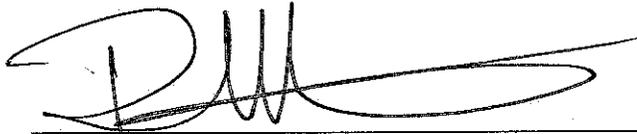
**Section 6.** This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**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 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.

  
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Planning Director

Read and passed on first reading at a meeting held this 17th day of November, 2011.

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

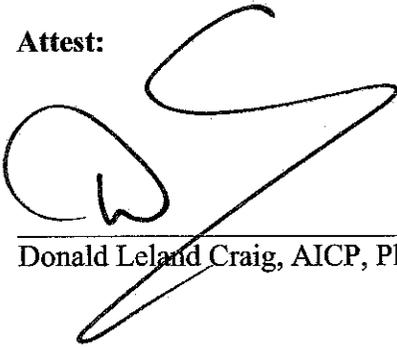


Richard Klitenick  
Planning Board Chairman

11/23/2011

Date

Attest:



Donald Leland Craig, AICP, Planning Director

11/23/2011

Date

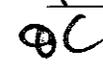
Filed with the Clerk:



Cheryl Smith, City Clerk

11-29-11

Date

  
Chairman  
  
Planning Director

RUK  
OC

EDGE OF HOSE

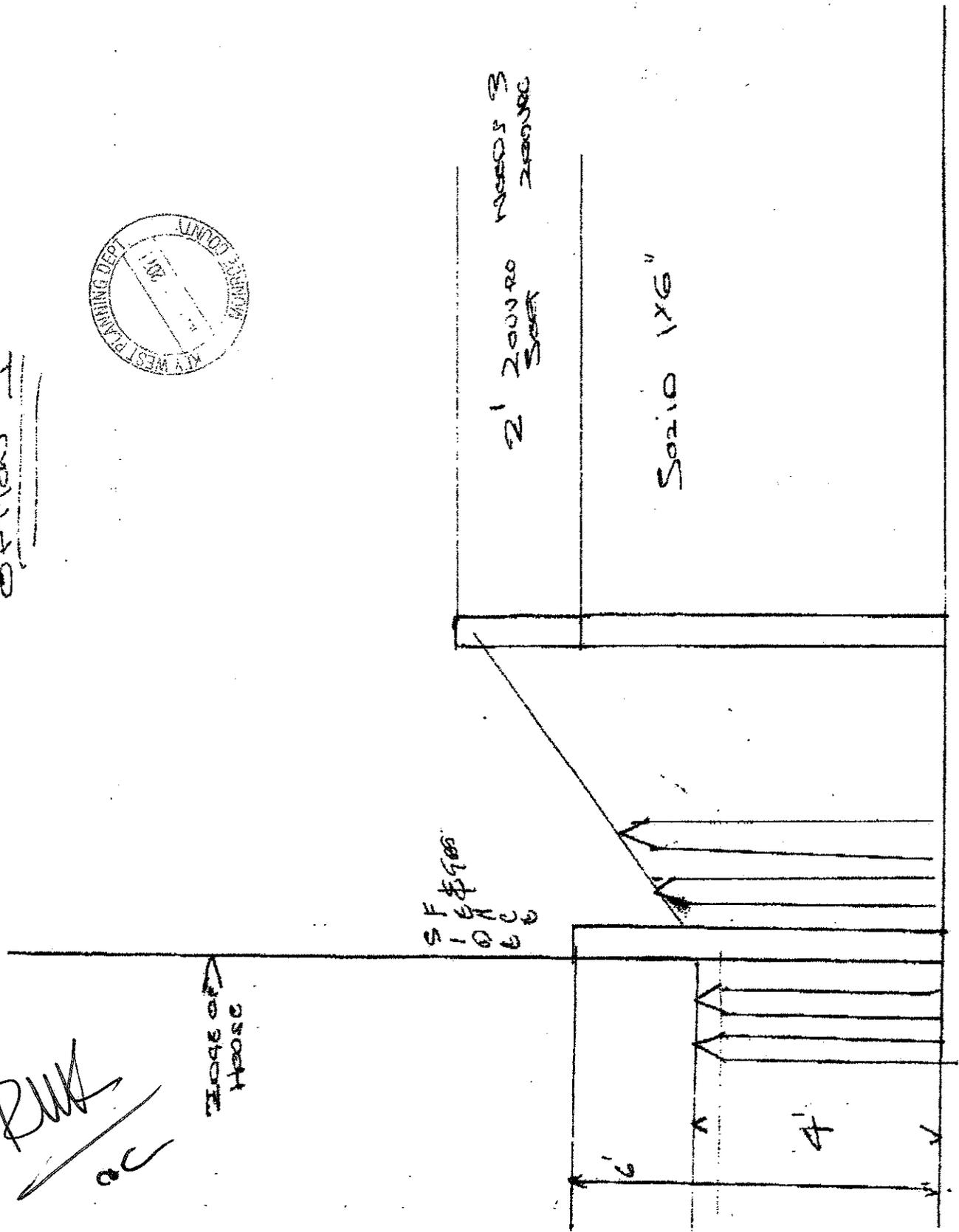
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OPTION A

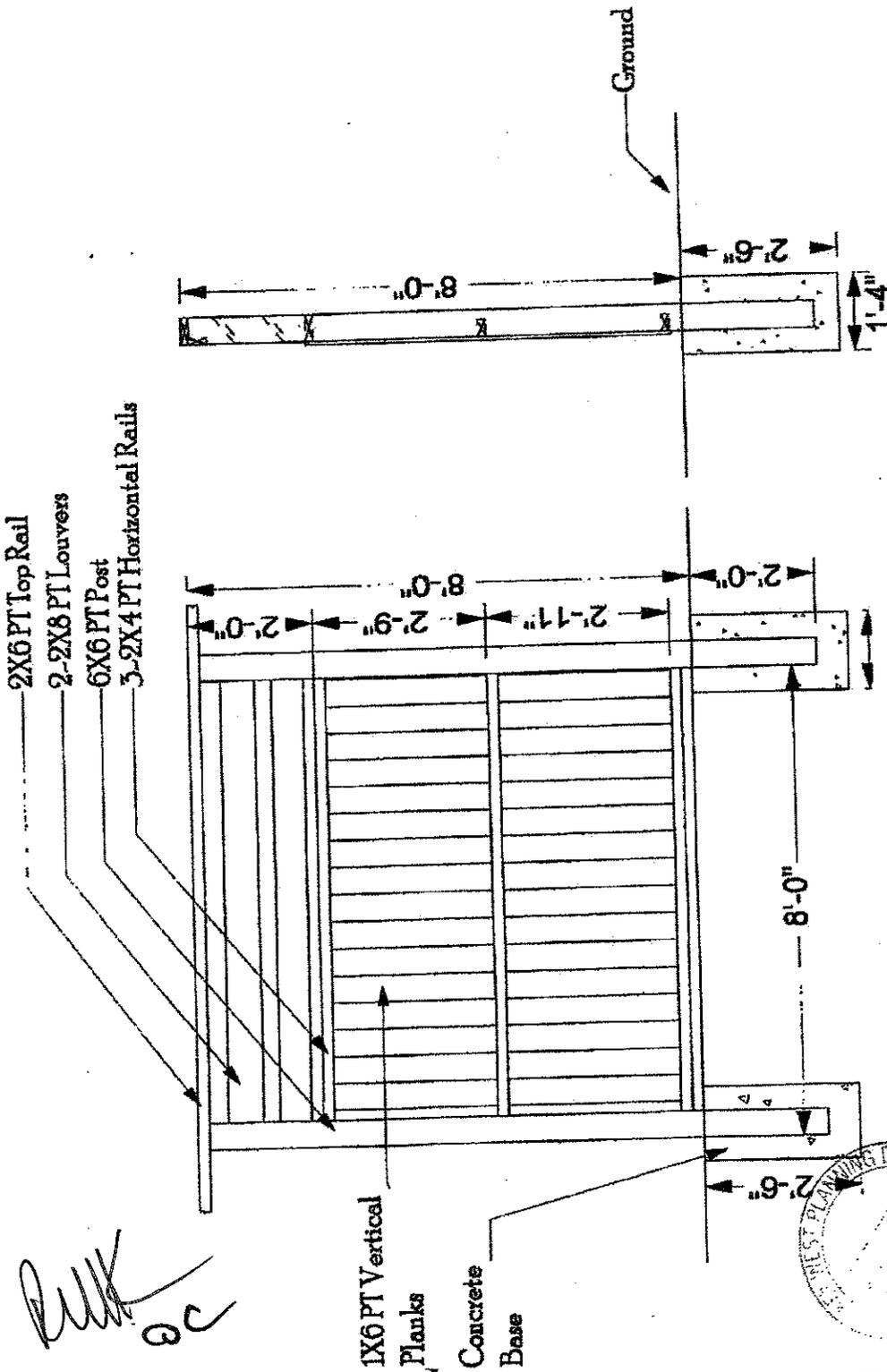


2' 2000 RO  
S  
NEEDS 3  
S  
2000 VC

SO210 1X6"

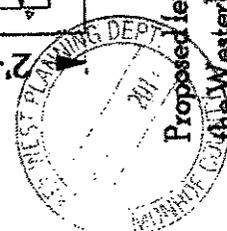


- 2X6 PT Top Rail
- 2-2X8 PT Louvers
- 6X6 PT Post
- 3-2X4 PT Horizontal Rails



*AK*  
OC

1X6 PT Vertical Planks  
Concrete Base

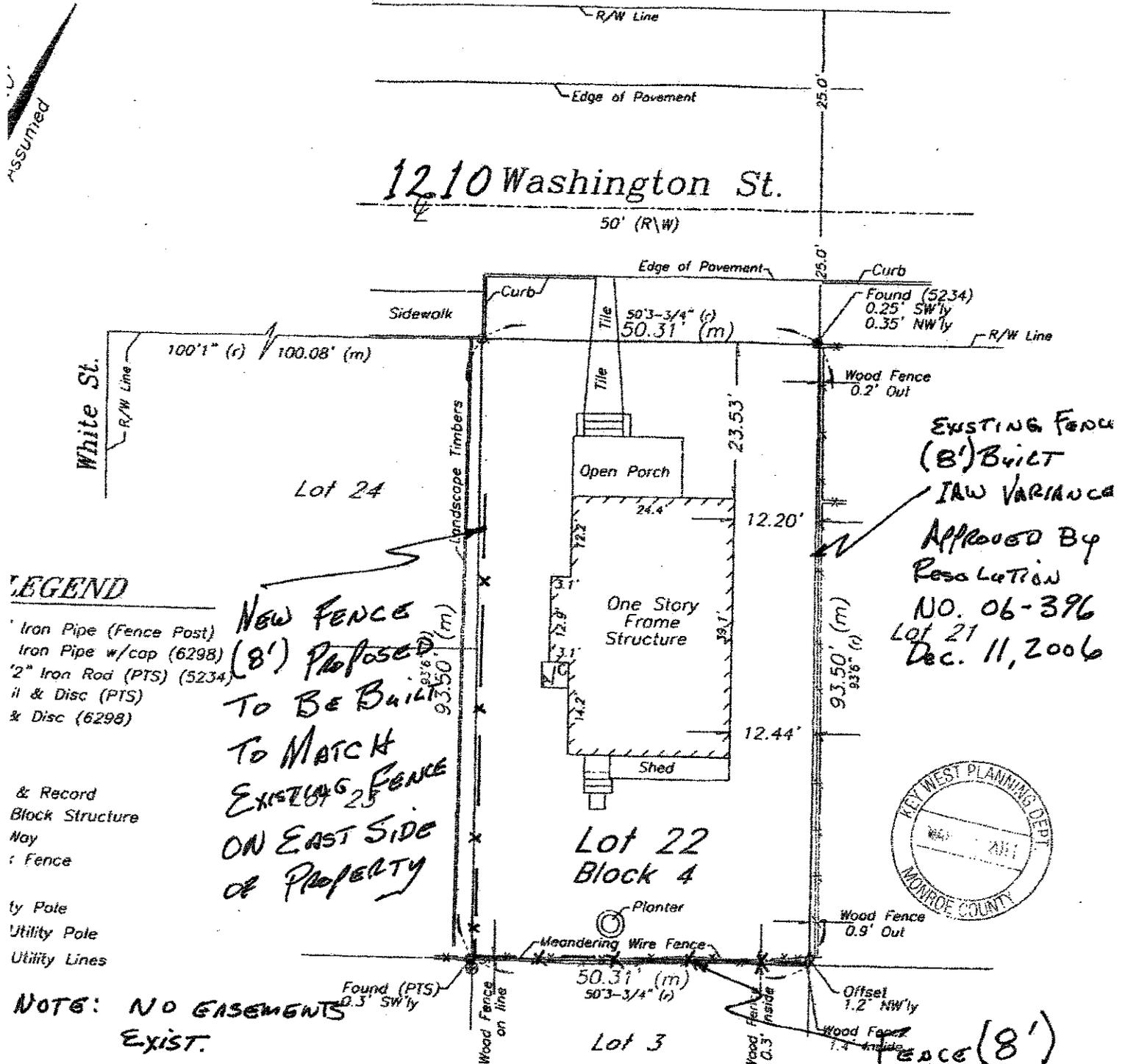


Proposed fence to be approx. 90' in length on the westerly side of the property toward White Street. This fence will replace an existing 3/4 foot wood picket fence. *Along the Easterly Side of the Property.*

New Fence at:  
1212 Washington St.  
Key West, FL

A.F. Stanley  
Residential Design  
Key West, FL

# Boundary Survey Map of Lot 22, Block 4, 9, TROPICAL BUILDING AND INVESTMENT CO'S DIAGRAM



description shown hereon was furnished by the client or their agent.  
 foundations and utilities were not located.  
 the 90° (Measured & Record) unless otherwise noted.  
 address: 1210 Washington Street, Key West, FL.  
 this map is not valid without the signature and the original raised seal of a  
 registered surveyor and mapper.

*RWL*