

**RESOLUTION NO- 2011-007**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD TO ALLOW THE CONSTRUCTION OF A ROOM ADDITION AND STAIRCASE BY GRANTING A VARIANCE TO BUILDING COVERAGE REQUIREMENTS FOR PROPERTY LOCATED AT 630 EATON STREET (RE#00006290-000000), PURSUANT TO SECTION 122-840 (4) UNDER 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 maximum dimensional requirements for building coverage is 40%; and

**WHEREAS**, the applicant requested a variance to increase building coverage to allow improvements including a room addition and exterior staircase for a non-conforming, historically contributing residential structure; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on January 25, 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

**WHEREAS**, the Planning Board finds that the special conditions do not result from the

  
Chairman

 Interim Planning Director

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 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 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 non-conforming 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 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 the variance for a non-conforming contributing building, listed in the historic architectural survey, for increased building coverage for a project in the Historic Neighborhood Commercial (HNC-2) zoning district for property located at 630 Eaton Street (RE # 00006290-000000), per Section 122-840 (4) a. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown on the attached plan set dated October 25, 2010.

**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



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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 variances 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

  
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Interim Planning Director

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 25th day of January, 2011.

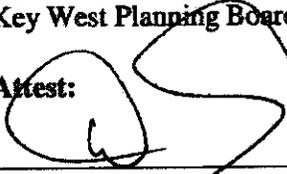
Authenticated by the Chairman of the Planning Board and the Interim Planning Director.



Richard Klitenick, Chairman  
Key West Planning Board

1/28/2011  
Date

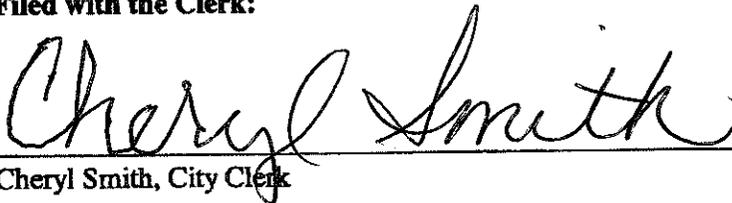
Attest:



Donald Leland Craig, AICP  
Interim Planning Director

1/29/11  
Date

Filed with the Clerk:



Cheryl Smith, City Clerk

1-31-11  
Date



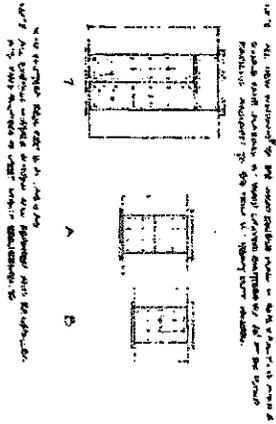
Chairman



Interim Planning Director

**DOOR SCHEDULE**

NO.	TYPE	LOCATION	FINISH	REMARKS
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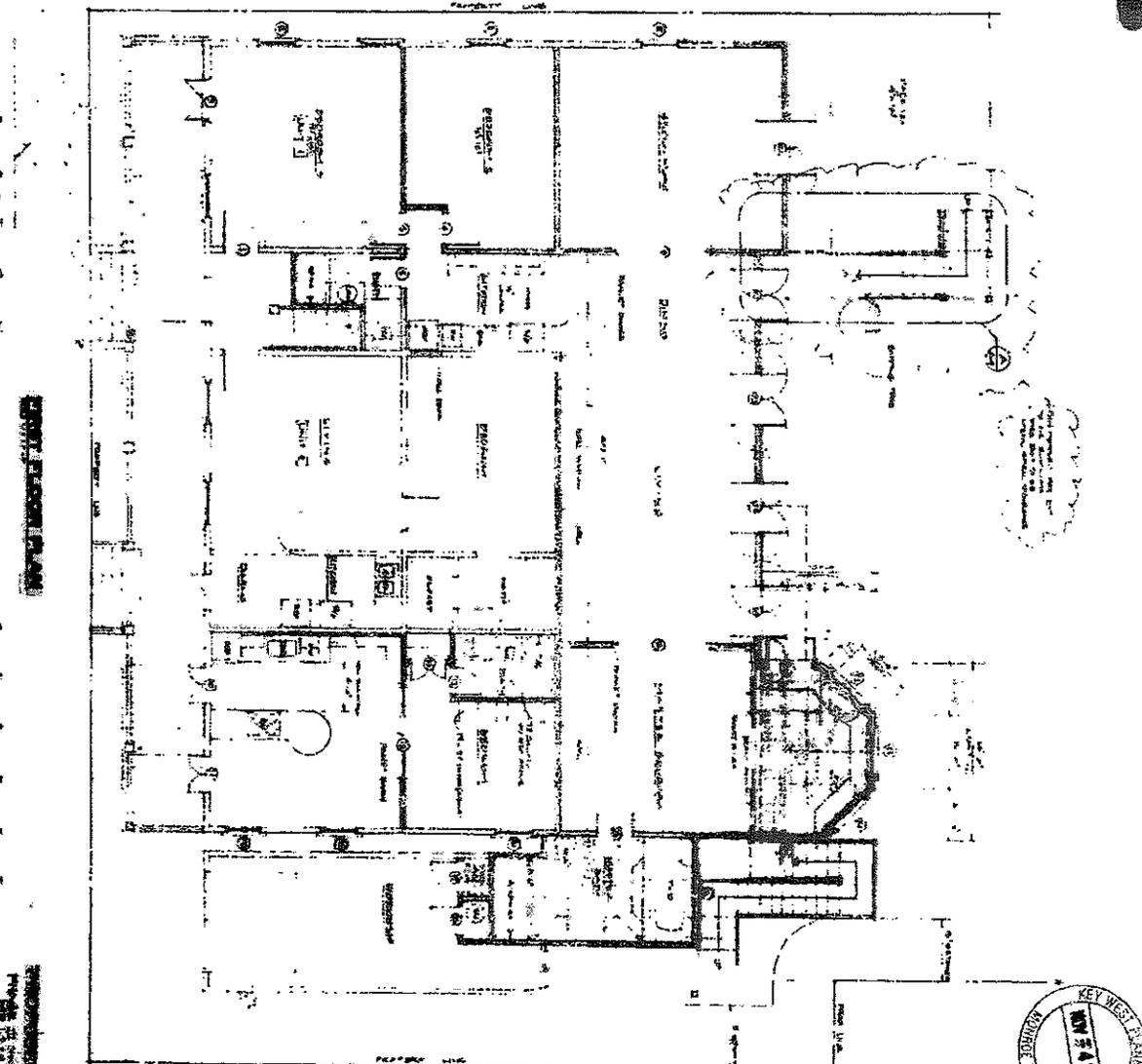


**WINDOW SCHEDULE**

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**ROOM FINISH SCHEDULE**

NO.	ROOM	FLOOR	CEILING	WALLS	DOORS	WINDOWS	REMARKS
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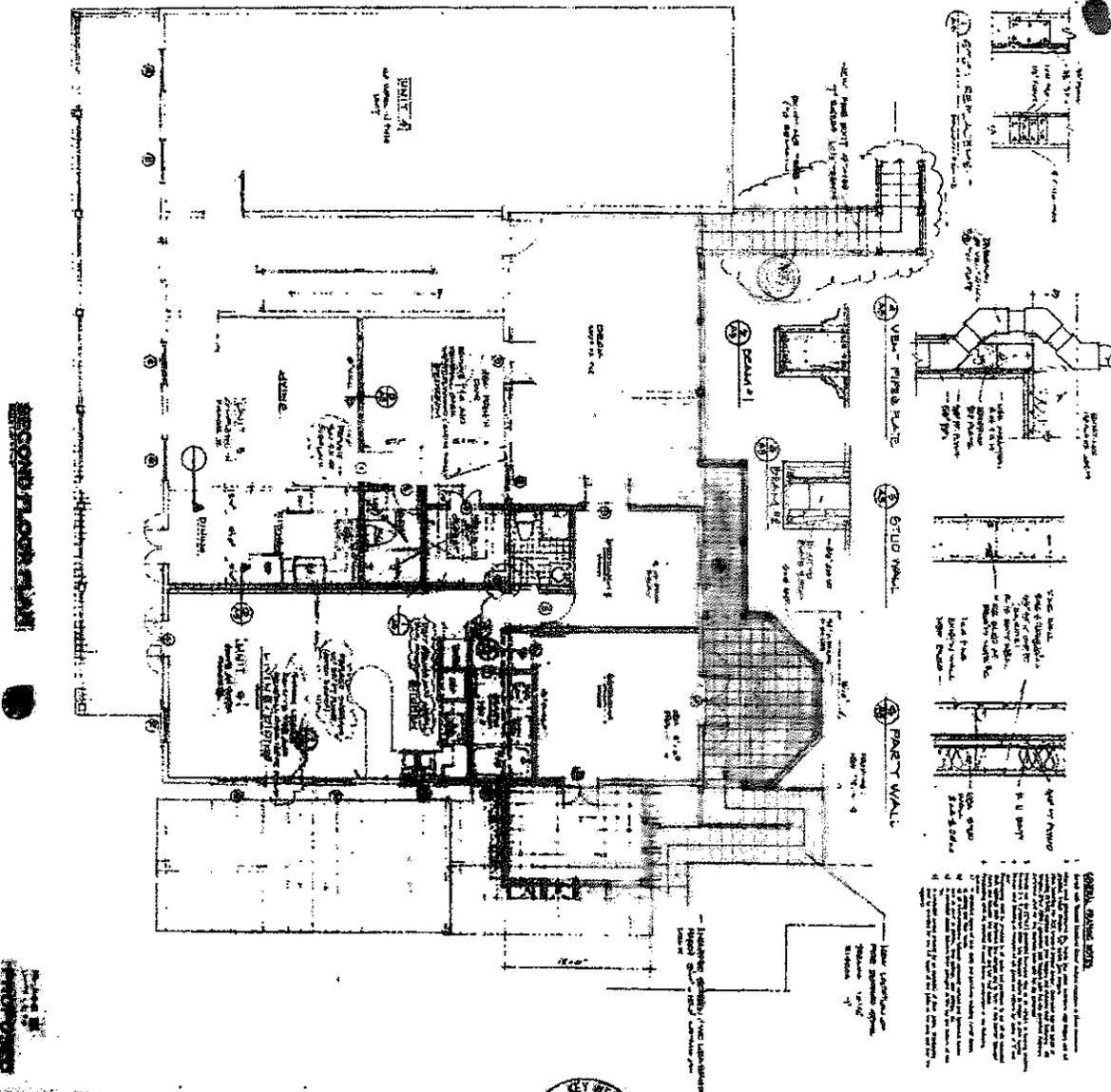
**WILLIAM ROWAN ARCHITECTURE**  
 311 BEACON BLVD. KEY WEST, FLORIDA 33403  
 TEL: 305-236-1234 FAX: 305-236-1235

**EATON STREET APARTMENTS**  
 RENOVATION OF APARTMENT

KEY WEST, FLORIDA

*Handwritten signature: RANK QU*

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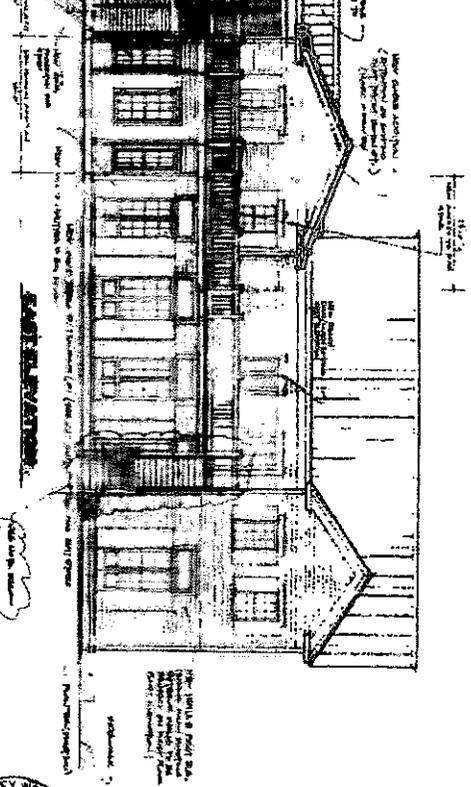
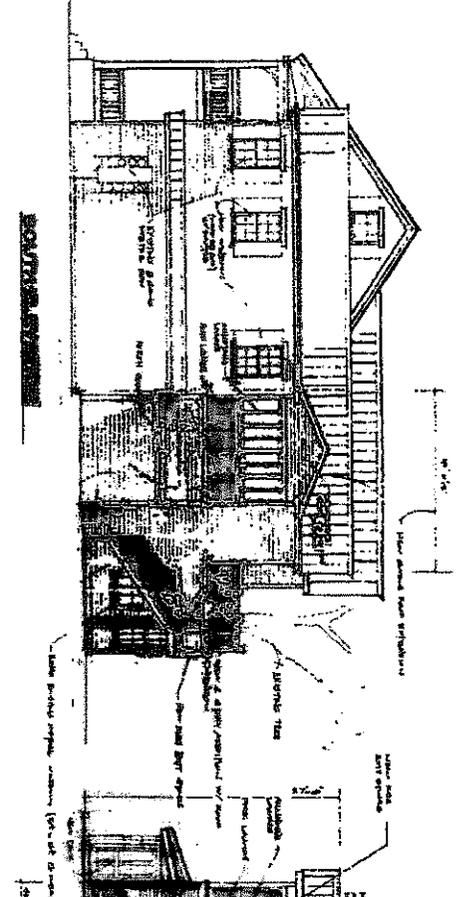
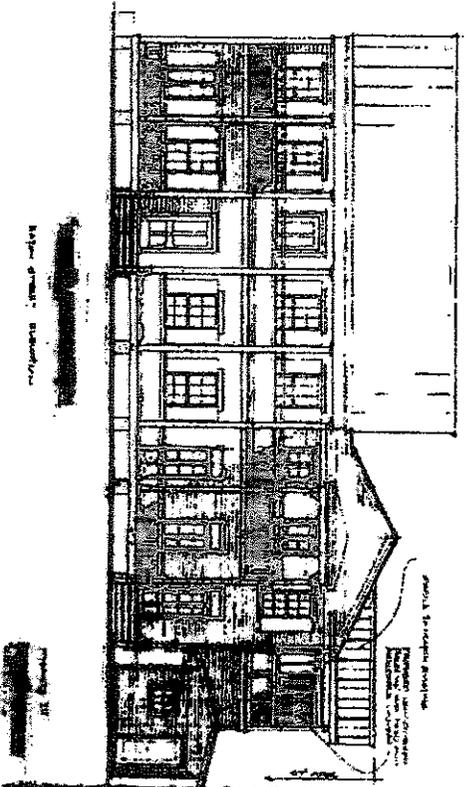
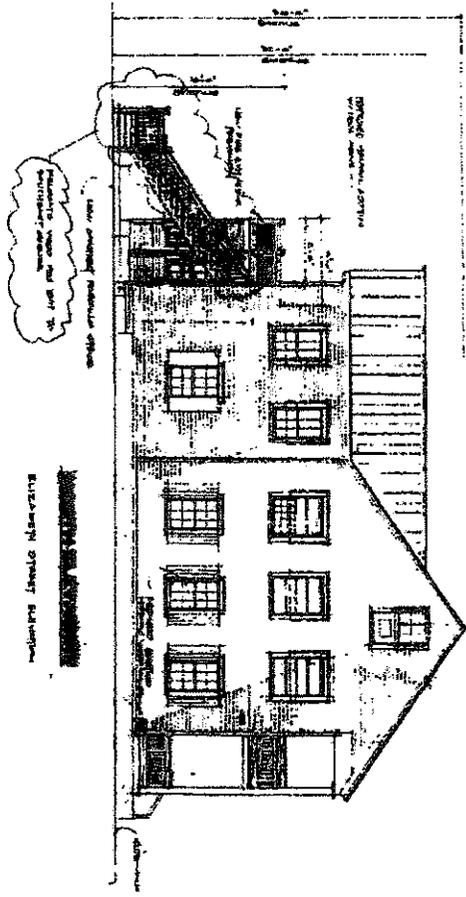


**WILLIAM S. SWAN**  
ARCHITECTURE

302 BRADDOCK LANE  
KINGSTON, ONTARIO

**EATON STREET APARTMENTS**  
RENOVATION OF APARTMENT 210

*RUK*



	<p><b>WILLIAM EDWIN</b> ARCHITECTS</p> <p>125 N. BROAD ST. NEW YORK, N.Y.</p>		<p><b>EATON STREET APARTMENTS</b> RENOVATION OF APARTMENT #2</p>
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*RWK*