

RESOLUTION NO- 2011-009

A RESOLUTION OF THE KEY WEST PLANNING BOARD TO ALLOW THE RENOVATION AND CONSTRUCTION OF A NON-CONFORMING STRUCTURE WHICH EXCEEDS 66% OF THE VALUE OF THE EXISTING STRUCTURE BY GRANTING VARIANCES TO FRONT AND SIDE YARD SETBACK REQUIREMENTS FOR PROPERTY LOCATED AT 1415 OLIVIA STREET (RE#00023940-000000), PURSUANT TO SECTION 122-600 (6) UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

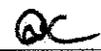
WHEREAS, Section 122-28(b) of the Code of Ordinances provides that if voluntary reconstruction of non-conforming residential structures exceeds 66% of the appraised value of the structure variances are required; and

WHEREAS, Section 122-600(6) a. and b. of the Code of Ordinances provides that the building setbacks in the HMDR zoning district are ten feet in the front, and five feet on each side; and

WHEREAS, the applicant requested variances to front and side yard setbacks to allow improvements to a non-conforming, historically contributing, residential structure which exceed 66% of the value of that structure; and

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

 Chairman

 Interim Planning Director

February 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

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



Chairman



Interim Planning Director

WHEREAS, the Planning Board finds that the grant 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 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 variances for a non-conforming contributing building listed in the historic architectural survey for front yard and side yard setback requirements, for a renovation project in the


Chairman


Interim Planning Director

Historic Medium Density Residential (HMDR) zoning district for property located at 1415 Olivia Street (RE # 00023940-000000), per Section 122-28 (b), Section 122-600 (6) a. and b., 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 December 10, 2010 with the following condition:

- That the applicant actively maintains the proposed swales as shown on the plans for stormwater management purposes.

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 these variances are wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of these variances, 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 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.

 Chairman

 Interim Planning Director

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.

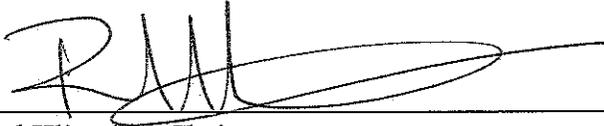
Read and passed on first reading at a regularly scheduled meeting held this 17th day of February, 2011.

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Resolution Number 2011-009


Chairman

Interim Planning Director

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



Richard Klitenick, Chairman
Key West Planning Board

MARCH 4, 2011

Date

Attest:



Donald Leland Craig, AICP, Interim Planning Director

2/23/11

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

3-7-11

Date



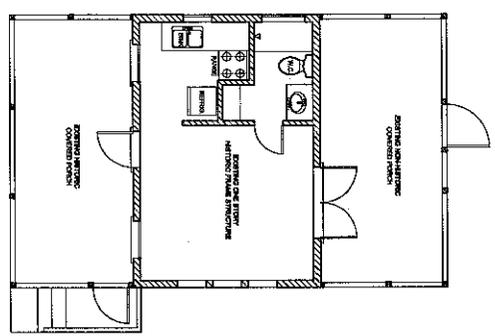
Chairman



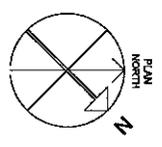
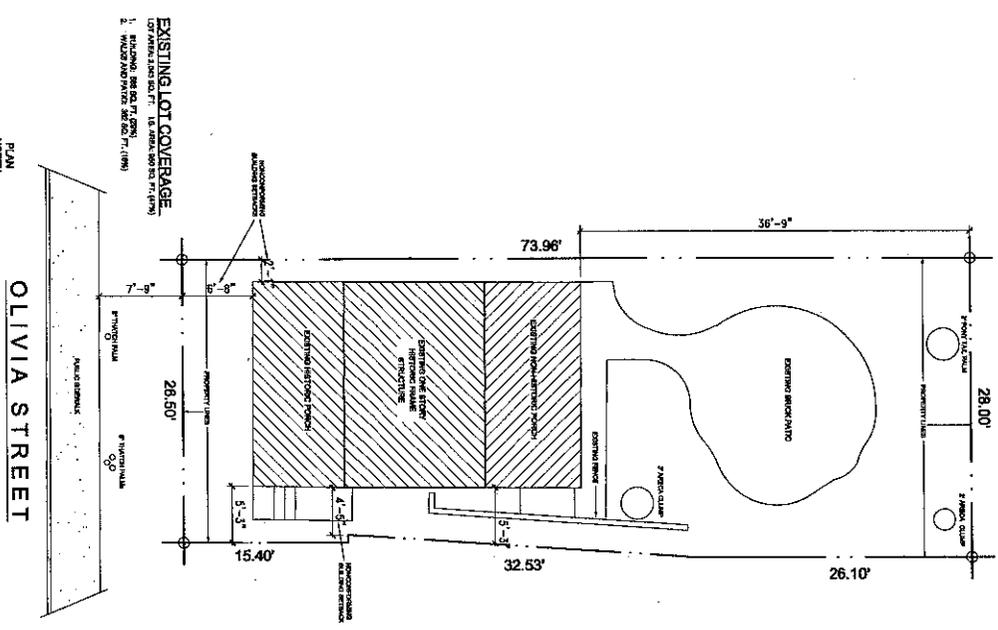
Interim Planning Director

VARIANCE APPLICATION FOR:
1415 OLIVIA ST.
 KEY WEST, FLORIDA

Paul Jc



EXISTING FLOOR PLAN
 1/4" = 1'-0"



EXISTING SITE PLAN
 3/16" = 1'-0"

NO.	REVISIONS	DATE

DATE OF ISSUE:
 12/10/10

SHEET

1

OF 4 SHEETS

DAVID KNOLL

ARCHITECT

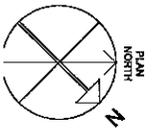
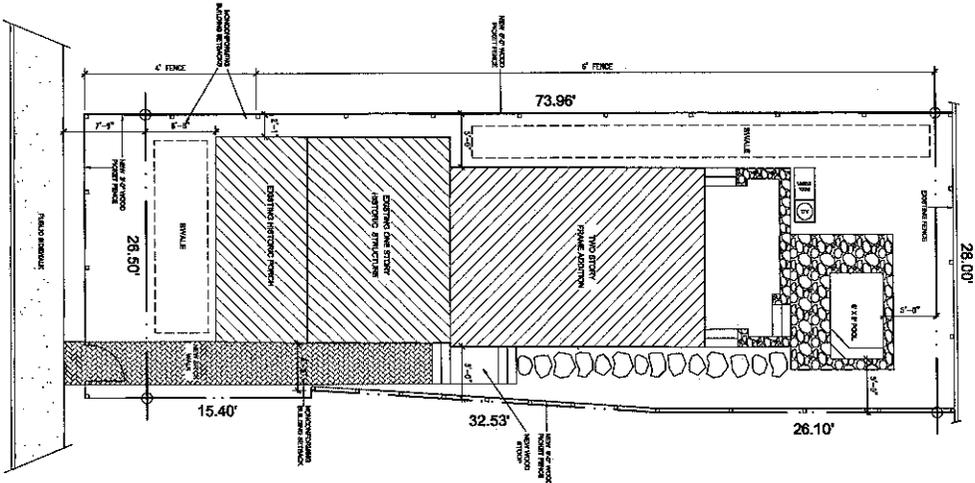
KEY WEST, FL (305) 715-8611

VARIANCE APPLICATION FOR:
1415 OLIVIA STREET
 KEY WEST, FLORIDA

RUK
 DC

PROPOSED LOT COVERAGE
 LOT AREA: 2,000 SQ. FT. - APPROXIMATELY 77% COV. (80%)
 1. BUILDING: 818 SQ. FT. (40%)
 2. WALK, POOL, DECK AND WALLS: 388 SQ. FT. (19%)

STORMWATER MANAGEMENT
 LOT AREA: 2,000 SQ. FT. - APPROXIMATELY 10% COV. (10%)
 LOT AREA: 2,000 SQ. FT. - APPROXIMATELY 10% COV. (10%)



PROPOSED SITE PLAN (WITH STORMWATER MANAGEMENT PLAN)
 3/18" = 1'-0"

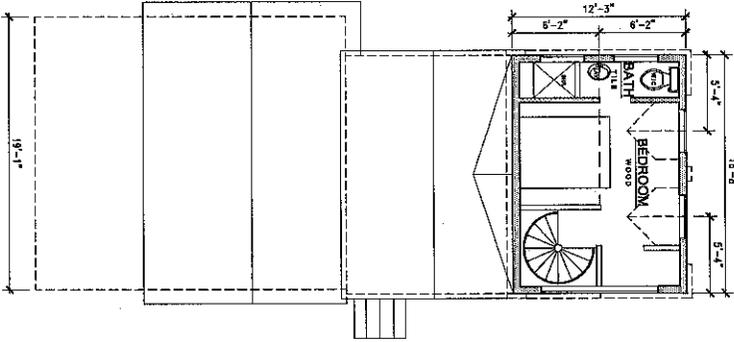
NO.	REVISIONS	DATE

DATE OF ISSUE: 12/10/10

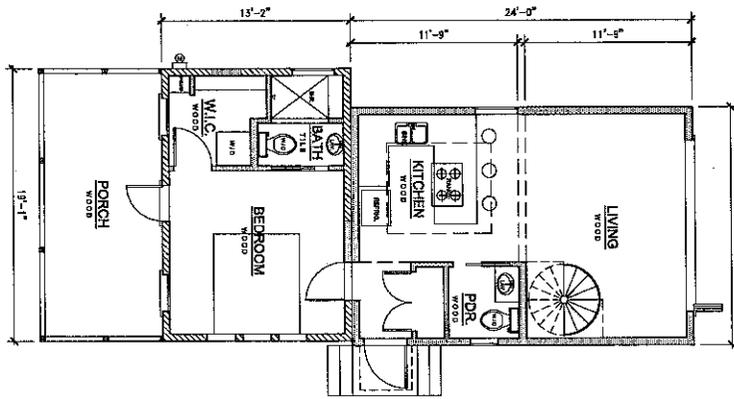
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DAVID KNOLL
 ARCHITECT
 KEY WEST, FL. (305) 115-8611

VARIANCE APPLICATION FOR:
1415 OLIVIA STREET
 KEY WEST, FLORIDA



UPPER LEVEL



LOWER LEVEL

PROPOSED FLOOR PLANS
1/4" = 1'-0"

RUK

NO.	REVISIONS	DATE

DATE OF ISSUE:
12/10/10

<p>SHEET</p> <p>3</p> <p>OF 4 SHEETS</p>	<p>DAVID KNOLL</p> <p>ARCHITECT</p> <p>KEY WEST, FL. (305) 715-8617</p>	<p>VARIANCE APPLICATION FOR:</p> <p>1415 OLIVIA STREET</p> <p>KEY WEST, FLORIDA</p>
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