

**PLANNING BOARD RESOLUTION
2011-012**

A RESOLUTION OF THE KEY WEST PLANNING BOARD TO ALLOW AFTER-THE-FACT VARIANCES FOR REQUIRED BUILDING COVERAGE, IMPERVIOUS SURFACE RATIO, FRONT YARD SETBACK, REAR YARD SETBACK, AND SIDE YARD SETBACKS FOR AN ADDITION OF 77.3 SQUARE FEET PROPERTY LOCATED AT 3308 DUCK AVENUE IN THE SINGLE FAMILY (SF) ZONING DISTRICT PER SECTION 122-238(4)A. AND B(1), SECTION 122-238(6)A.(1), (2) AND (3), 122-1182 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA (RE 00052960-000500)

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 after-the-fact variances for an addition of 91 square feet; and

WHEREAS, the applicant revised the site plan to request an addition of 77.3 square feet to allow the fire department access of 3' from the side of the building; and

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



Chairman



Interim 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

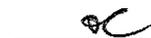
WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on 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 the general intent and purpose of the land development regulations and that such variance will not be



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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 an after-the-fact variance to required building coverage, impervious surface ratio, front yard setback, rear yard setback, and side yard setbacks for property located at 3308 Duck Avenue in the Single Family (SF) zoning district per Section 122-238(4)a. and b(1), Section 122-238(6)a.(1), (2) and (3), 122-1182 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida. (RE 00052960-000500), as shown on the attached site plans dated February 3, 2011. The variance was approved with the following conditions:

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1. The applicant is required to provide signed and sealed plans by a licensed Engineer or Architect prior to building permit issuance.
2. The applicant is required to reduce the unpermitted addition area from 91 square feet to 77.3 square feet allowing 3' between the side of the building addition and the property line (2' from the eve of the addition) as shown on the modified site plans dated February 3, 2011.
3. Interior and exterior Fire Sprinklers must be installed to the satisfaction of the Fire Marshall prior to building permit issuance.
4. Staff approval and the removal of the coconut palm is required prior to building issuance.

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


Chairman


Interim Planning Director

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 2 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.

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 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

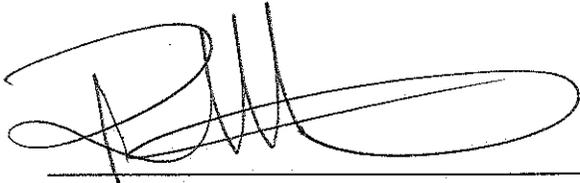

Chairman


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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 17th day of February, 2011.

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



Richard Klitenick, Chairman
Key West Planning Board

3/4/2011
Date

Attest:



Donald L. Craig, AICP
Interim Planning Director

2/23/11

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

3-7-11

Date



2

EXISTING SITE PLAN

DUCK AVENUE

SCALE: 1/8" = 1'-0"



1

SITE PLAN

DUCK AVENUE

SCALE: 1/8" = 1'-0"

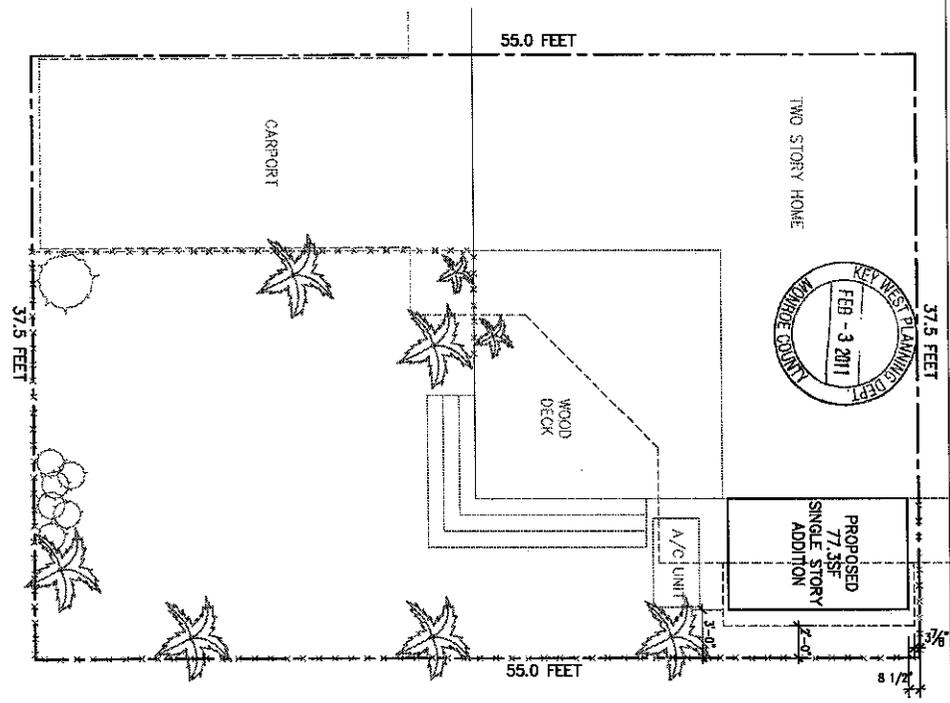
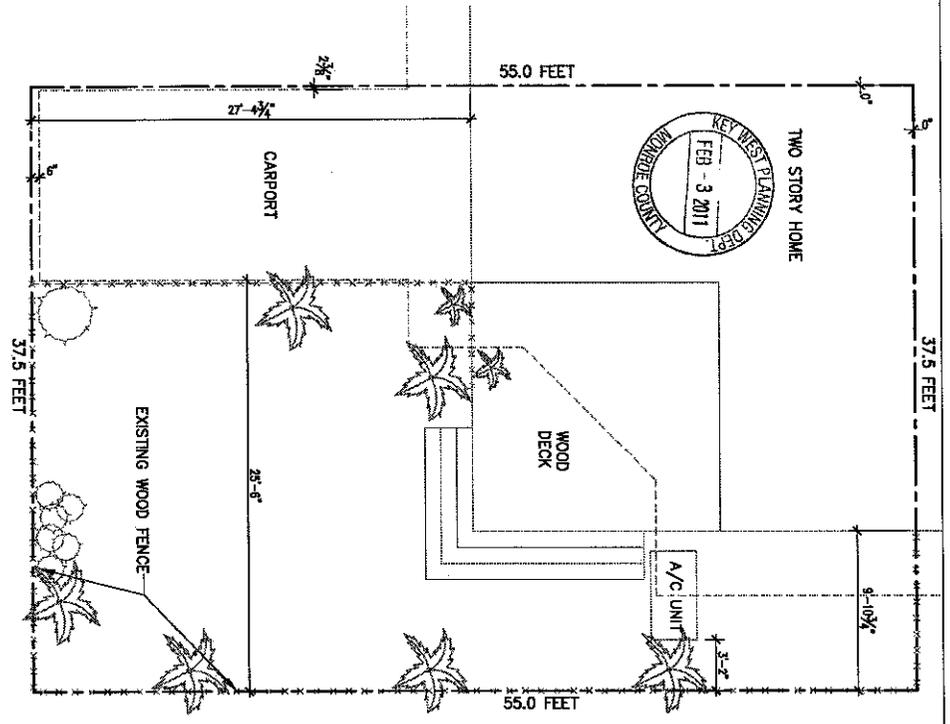


NOVEMBER 2010
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Ms. CHRISTY M. MOSELEY
3308 DUCK AVENUE
EXISTING AND PROPOSED SITE PLANS

REV. 2-2-11
REV. 12-1-10

VARIANCE SUBMITTAL



Handwritten initials: RUK

2

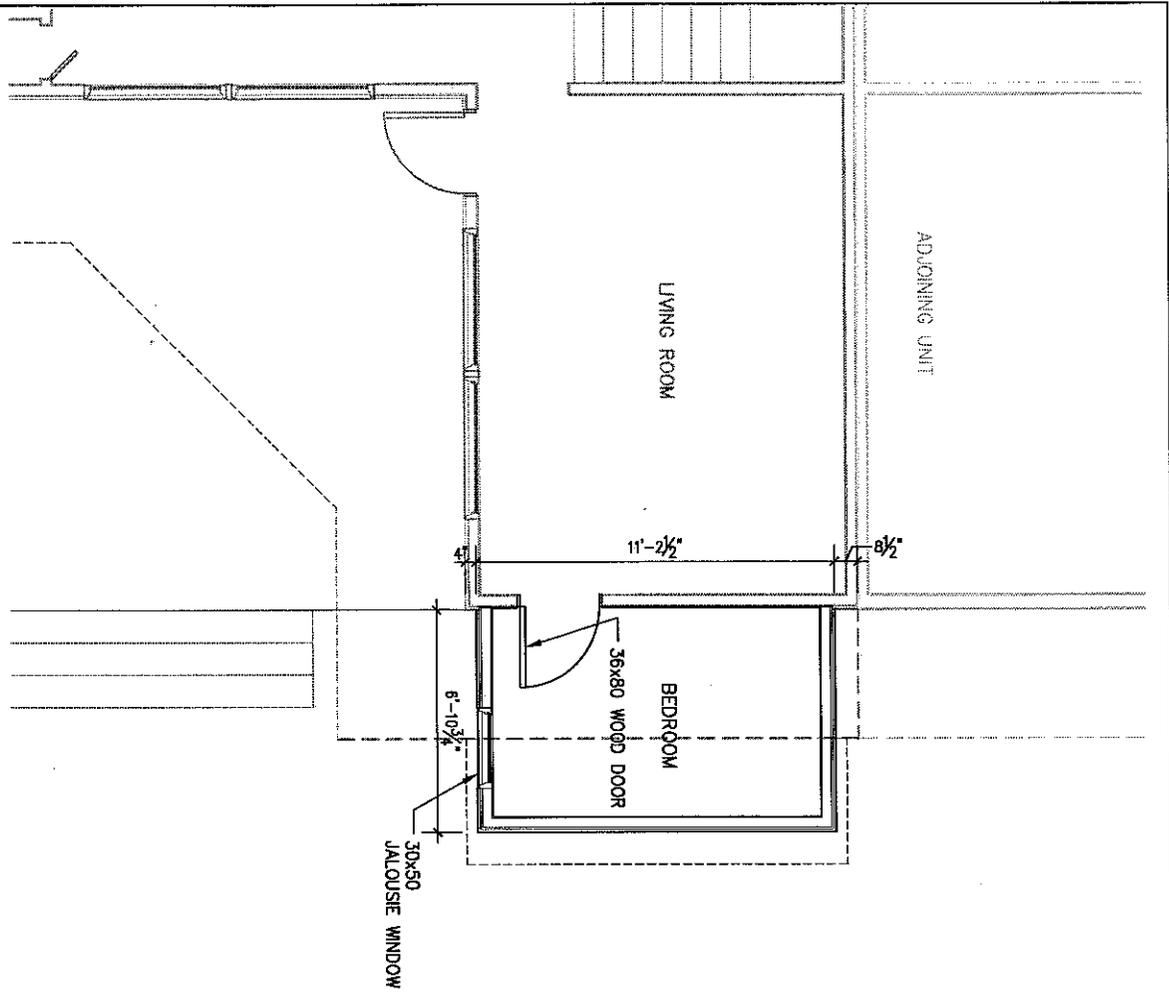
PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"



1

STIE CALCULATIONS AND DETAIL
SCALE: NOT TO SCALE

NOVEMBER 2010
2 of 4



Ms. CHRISTY M. MOSELEY
3308 DUCK AVENUE
PROPOSED FLOOR PLAN

REV. 2-2-11
REV. 12-1-10

VARIANCE SUBMITTAL

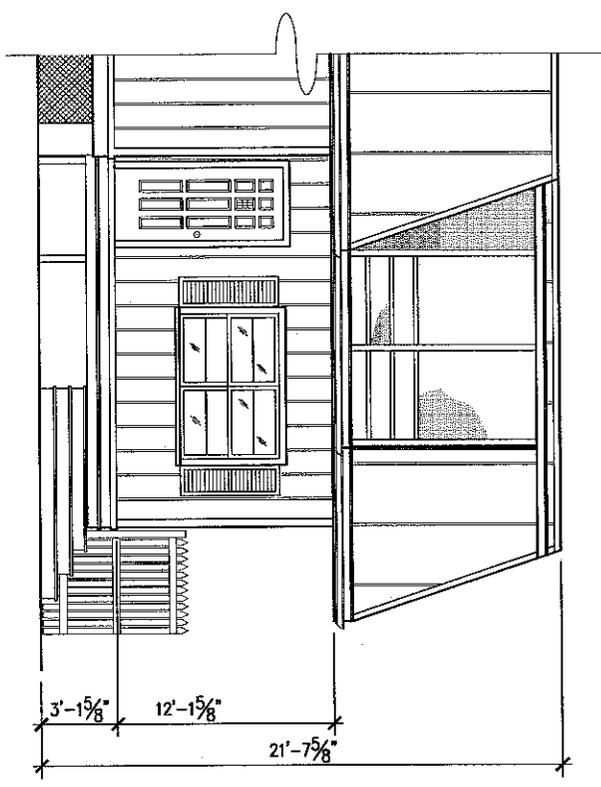
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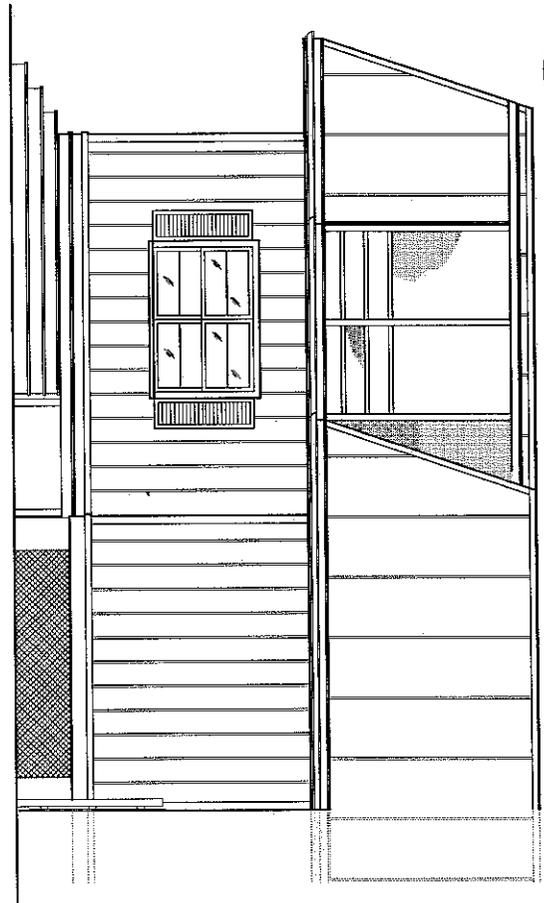
EXISTING EXTERIOR ELEVATIONS

SCALE: 3/16" = 1'-0"

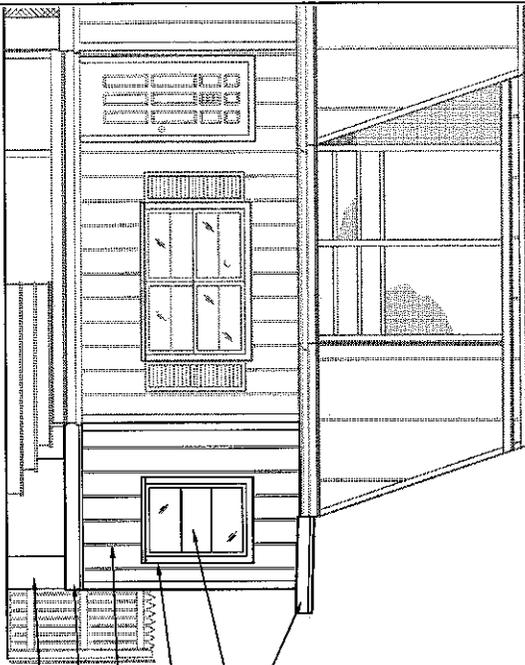
PARTIAL FRONT ELEVATION (LOOKING PLAN EAST)



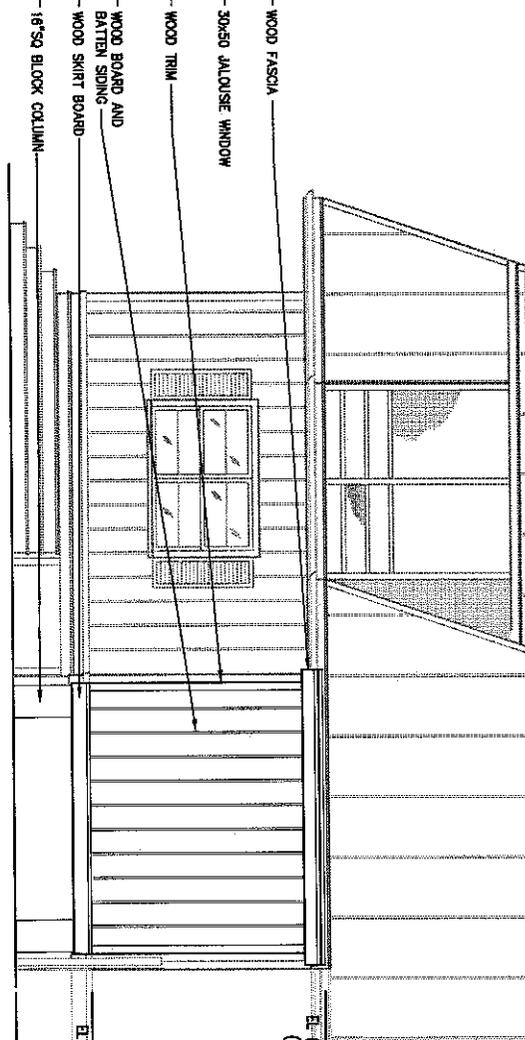
PARTIAL SIDE ELEVATION (LOOKING PLAN NORTH)



RMK
e



PARTIAL FRONT ELEVATION (LOOKING PLAN EAST)



PARTIAL SIDE ELEVATION (LOOKING PLAN NORTH)

ROOF PEAK
EL. (+) 12'-8 5/8"
(+17.88 NGVD)
FINISH FLOOR
EL. (+) 3'-1 5/8"
(+8.30' NGVD)
GRADE
EL. (+) 0'-0"
(+4.80' NGVD)

1

PROPOSED EXTERIOR ELEVATIONS
SCALE: 3/16" = 1'-0"

RMK
DC