

**PLANNING BOARD RESOLUTION
NO- 2011-016**

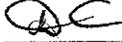
A RESOLUTION OF THE KEY WEST PLANNING BOARD TO ALLOW AFTER-THE-FACT GRANTING OF VARIANCES TO BUILDING COVERAGE, IMPERVIOUS SURFACE RATIO, AND SIDE-YARD SETBACK REQUIREMENTS TO MAINTAIN EXISTING DETACHED HABITABLE SPACE FOR PROPERTY LOCATED AT 825 ASHE STREET (RE#00022300-000000), PURSUANT TO SECTIONS 122-630 (4) a. AND b., 122-630 (6) b. AND 122-1078 UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 122-630 (4) a. and b. and 122-630(6) b. of the Code of Ordinances provides that the maximum dimensional requirements for building coverage is 50%, maximum impervious surface ratio is 60%, and side-yard setback in the HHDR zoning district is five feet; and

WHEREAS, the existing building coverage is 56.6%, the existing impervious surface ratio is 76% and the existing side-yard setback is 2 feet 2 inches; and

WHEREAS, Section 122-1078 provides that all habitable space shall be accessible from the interior of exterior walls; and

WHEREAS, the applicant requests variances to building coverage, impervious surface ratio, and side-yard setback requirements to allow after the fact approval for a non-conforming accessory


Vice Chairman

Interim Planning Director

structure used as detached habitable space; and

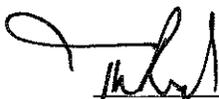
WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on April 21, 2011; and

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

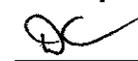
WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

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



Vice Chairman



Interim Planning Director

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

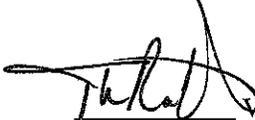
WHEREAS, the Planning Board finds that the granting of the variances will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

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 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.

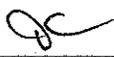

Vice Chairman

Interim Planning Director

Section 2. That after the fact variances for a non-conforming accessory structure for building coverage, impervious surface ratio and side-yard setback requirements for a property in the Historic High Density Residential (HHDR) zoning district for property located at 825 Ashe Street (RE# 00022300-000000), per Sections 122-630 (4) a. and b. and 122-630(6) 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 with the following conditions:

1. The structure is inspected by a licensed engineer or architect to ensure compliance with the Florida Building Code and Fire Safety and provide a FEMA flood elevation certificate.
2. The applicant will execute and record a Restricted Covenant that limits the use of the structure to “detached habitable space” for use in conjunction with the principal dwelling and thus cannot be used as a separate rental unit.
3. Allow the Code Compliance Department to inspect the structure for compliance with condition number two, annually, for three consecutive years.

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 to the property or its underlying zoning has occurred.

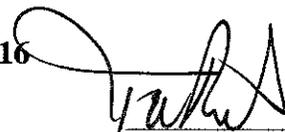
 Vice Chairman
 Interim Planning Director

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.

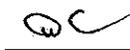
Section 5. These variances do not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

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



Vice Chairman

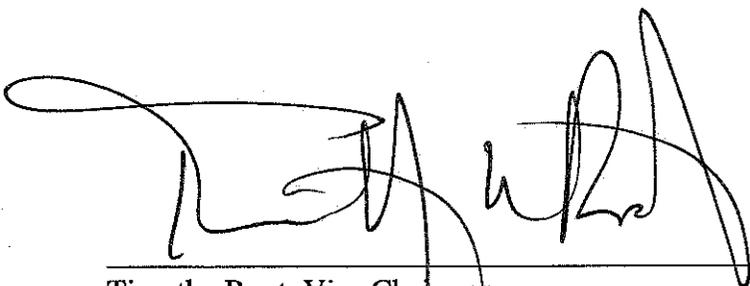


Interim Planning Director

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 21st day of April, 2011.

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

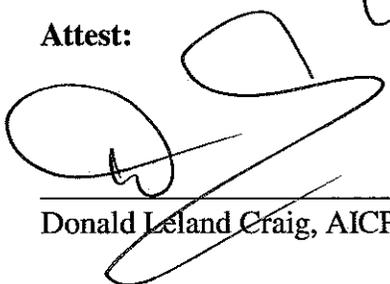


Timothy Root, Vice Chairman
Key West Planning Board

6/1/11

Date

Attest:



Donald Leland Craig, AICP, Interim Planning Director

5-31-11

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

6-1-11

Date



Vice Chairman



Interim Planning Director

02.24.2011

66'-0"

10'-2" 8'-4" 5'-5"

10'-0" 8'-4" 10'-4" 2'-0" 2'-2"

38'-3"

COTTAGE

WOOD DECK

WOOD DECK

SPA

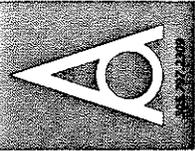
POOL DECK

PROPERTY LINE

CISTERN

EXISTING TWO-STORY RESIDENCE

MAR 10 2011



2 OF 7

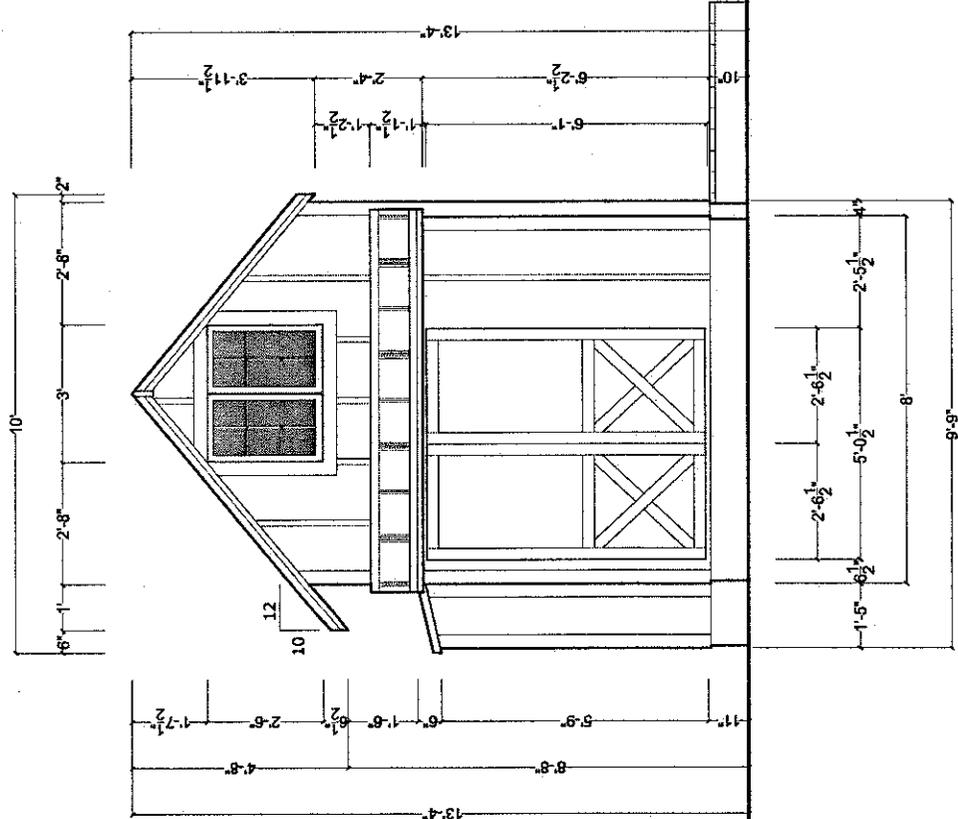
KINDINGER RESIDENCE
HARC - VARIANCE PROPOSAL
825 ASHE STREET
KEY WEST, FL 33040

SITE PLAN



NOTE: THIS SITE PLAN WAS CREATED REFERENCING A SURVEY BY ISLAND SURVEYING, INC., DATED: 08.17.2009.
NOTE: THE DRAWINGS CONTAINED IN THESE DOCUMENTS REPRESENT THE EXISTING SITE CONDITIONS. HARC - VARIANCE ACCEPTANCE SHALL BE BASED ON THE EXISTING CONDITIONS.

Handwritten initials and signature



GRADE : + 19'-9.5" MSL

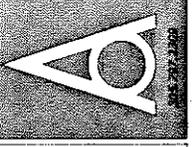
GRADE : + 14'-7.5" MSL

GRADE : + 7'-3.5" MSL

GRADE : + 6'-4.5" MSL



TR
ML



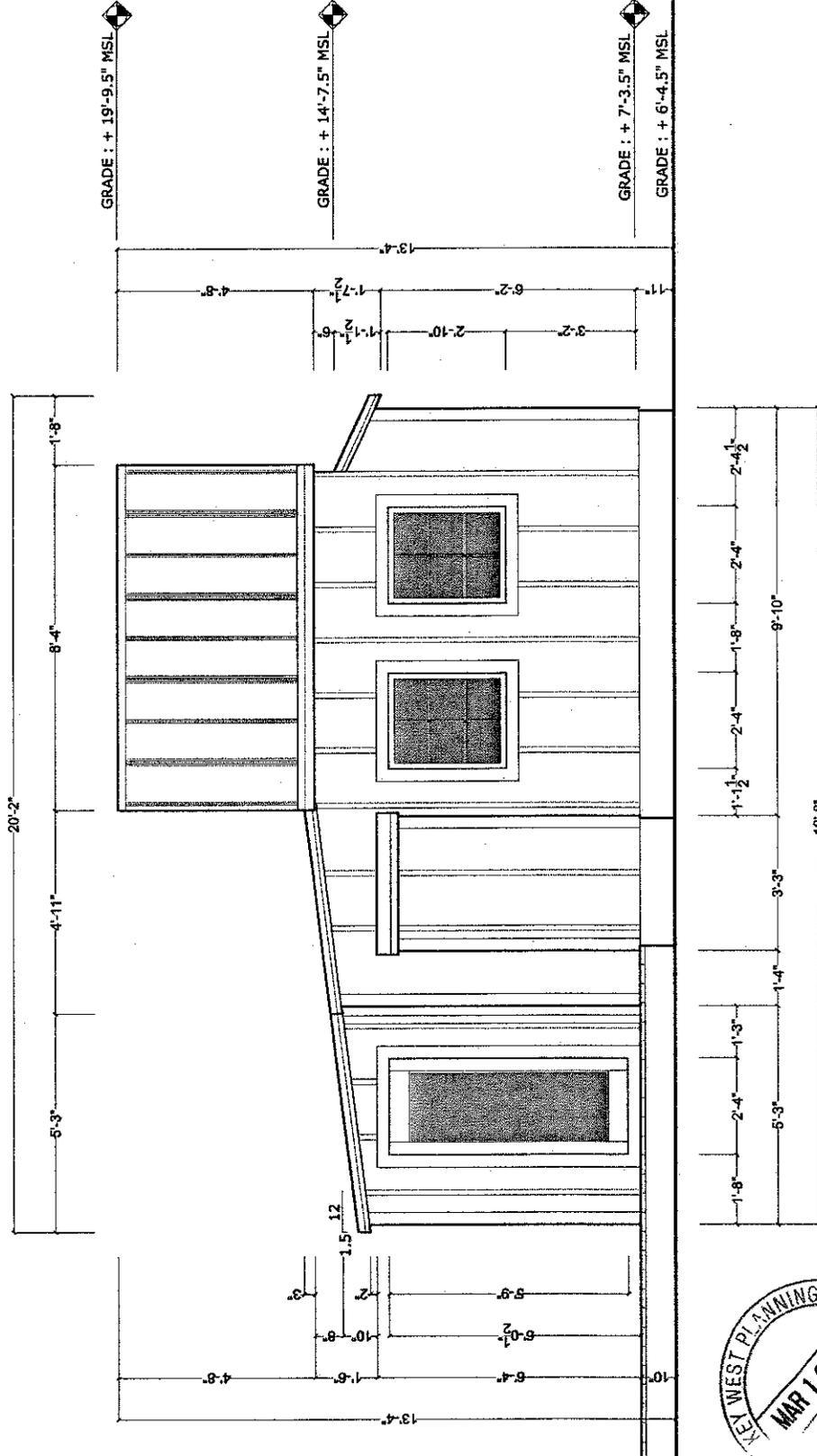
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KINDINGER RESIDENCE
HARC - VARIANCE PROPOSAL
825 ASHE STREET
KEY WEST, FL 33040

NORTH ELEVATION
0 1 2 4 8
SCALE: 1/4"=1'-0"

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NOTE: EXTERIOR MATERIALS INCLUDE: BOARD AND BAT SIDING, V-CRIMP METAL ROOFING, AND GLAZED WOOD DOORS AND WINDOWS.

02. 24. 2011



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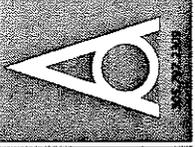
NOTE: EXTERIOR MATERIALS INCLUDE: BOARD AND BAT SIDING, V-CRIMP METAL ROOFING, AND GLAZED WOOD DOORS AND WINDOWS.

EAST ELEVATION

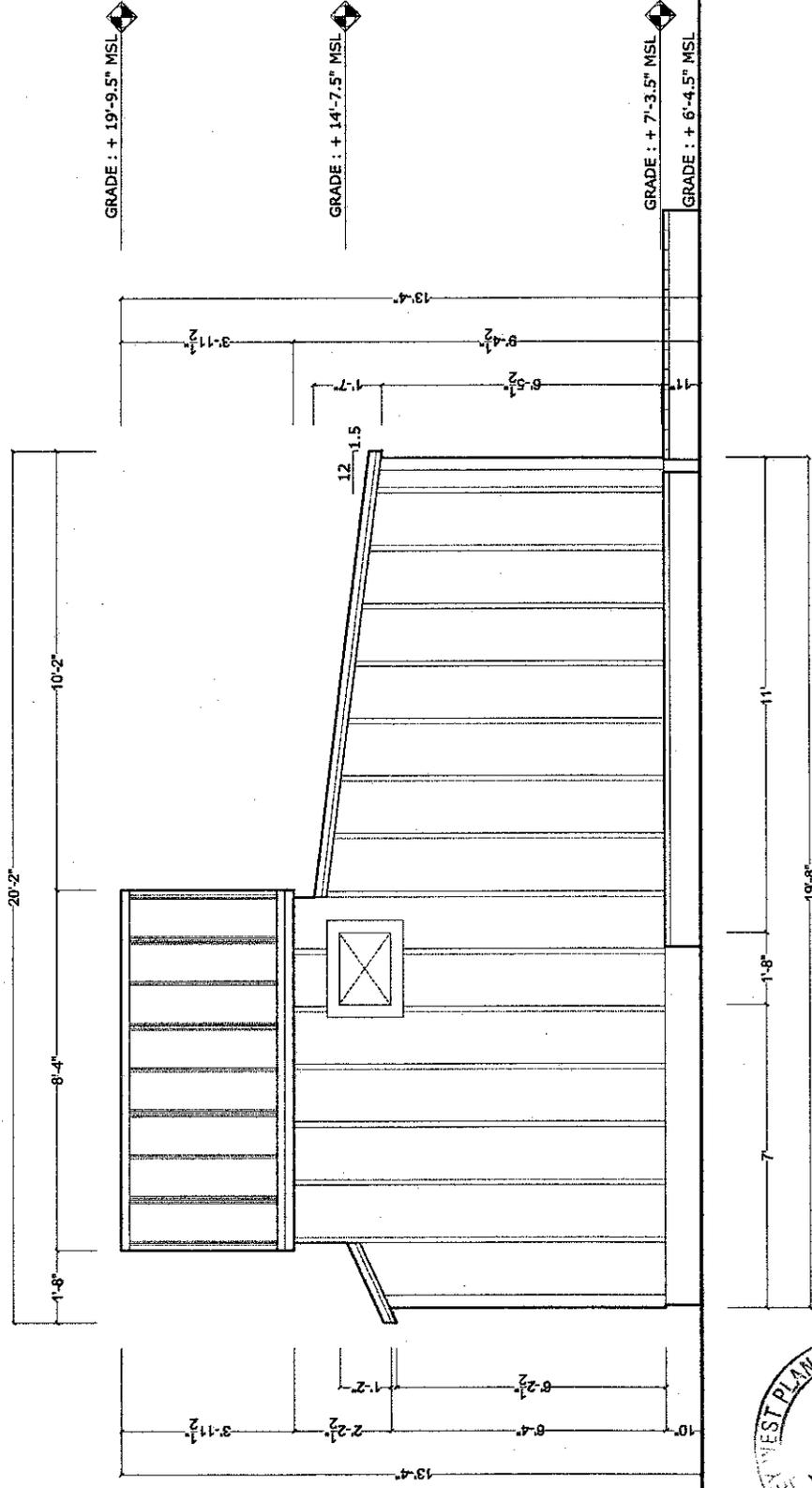


KINDINGER RESIDENCE
 HARC - VARIANCE PROPOSAL
 825 ASHE STREET
 KEY WEST, FL 33040

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02. 24. 2011



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WEST ELEVATION



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