

**RESOLUTION NO- 2011-020**

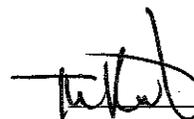
**A RESOLUTION OF THE KEY WEST PLANNING BOARD FOR A VARIANCE APPROVAL FOR BUILDING COVERAGE FOR A REAR COVERED PORCH ASSOCIATED WITH AN ADDITION AND NEW POOL AND TO AN EXISTING NON-CONFORMING FRONT YARD SETBACK FOR A SINGLE FAMILY CONTRIBUTING STRUCTURE FOR PROPERTY LOCATED AT 321 CATHERINE STREET (RE# 00026350-000000) IN THE HMDR ZONING DISTRICT PER SECTION 90-391 AND SECTIONS 122-600(4) A. AND (6) A. OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST.**

**WHEREAS**, Section 122-600 (4) a. and 122-600(6) a. of the Code of Ordinances provides that the maximum dimensional requirements for building coverage is 40%, and front yard building setbacks in the HHDR zoning district are ten feet, and

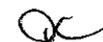
**WHEREAS**, the applicant requested variances to building coverage (7.5% (360 s.f)), and front (3' 3") yard setbacks to allow improvements to a historically contributing single family structure, and;

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on May 19, 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



Vice Chairman



Interim Planning Director

land, structures or buildings in the same district; and

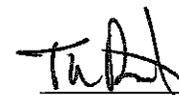
**WHEREAS**, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

**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

**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



Vice Chairman



Interim Planning Director

**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.** A variance approval for building coverage for a rear covered porch associated with an addition and to an existing non-conforming front yard setback for a single family contributing structure for property located at 321 Catherine Street (RE# 00026350-000000) in the HMDR zoning district per Section 122-600(4) a. and (6) a. of the Land Development Regulations of the Code of Ordinances of the City of Key West. See site plans dated April 1, 2011 and May 6, 2011, with the following conditions:

1. That the pool pump and air conditioning unit are relocated away from the adjacent property and towards the center of the subject property.
2. That bahama shutters are installed on the second storey windows that overlook the



Vice Chairman



Interim Planning Director

adjacent property.

3. That site plans reflecting changes one and two above must be provided to Planning staff for confirmation.

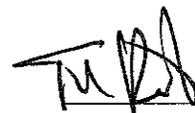
**Section 3.** It is a condition of these variances that full, complete, and final application for all conditions of this approval for any use and occupancy for which these variances are wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, 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.

**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



Vice Chairman

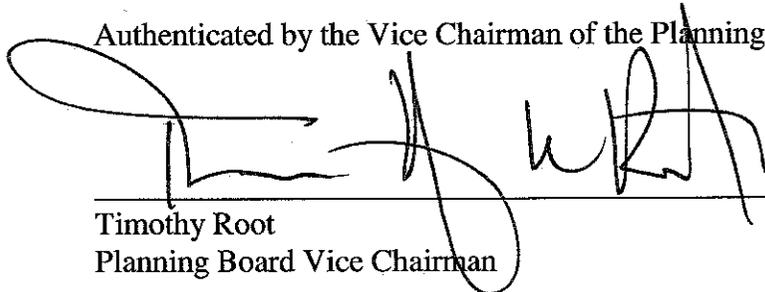


Interim Planning Director

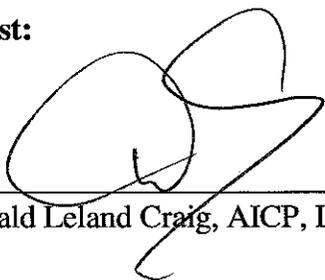
Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) 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 19th day of May, 2011.

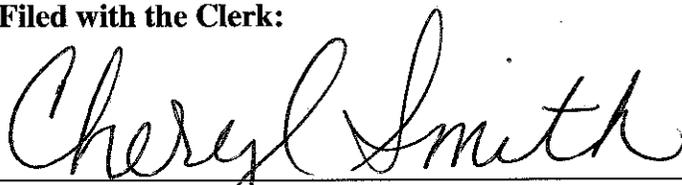
Authenticated by the Vice Chairman of the Planning Board and the Interim Planning Director.

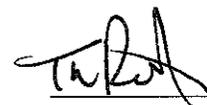
 6/1/11  
\_\_\_\_\_  
Timothy Root Date  
Planning Board Vice Chairman

**Attest:**

 5-31-11  
\_\_\_\_\_  
Donald Leland Craig, AICP, Interim Planning Director Date

**Filed with the Clerk:**

 6-1-11  
\_\_\_\_\_  
Cheryl Smith, City Clerk Date

 Vice Chairman

 Interim Planning Director

WILLIAM P. HOEN  
ARCHITECT, P.A.

16140 HWY. 11  
KEY WEST,  
FLORIDA  
33940

TEL: 305-852-1111  
FAX: 305-852-1111

ISSUED AS  
A4 02/08/07

ADDITIONS AND  
RENOVATIONS  
SITE/PERMITS  
KEY WEST, FL.

SCALE

THIS PLAN SHALL BE  
VOID IF REPRODUCED  
OR ALTERED IN ANY  
MANNER WITHOUT THE  
AUTHORIZATION OF  
WILLIAM P. HOEN

DATE

12-08-10  
02-24-11  
03-24-11 VARIANCE

REVISIONS  
R2-3-11 HARC REV. A

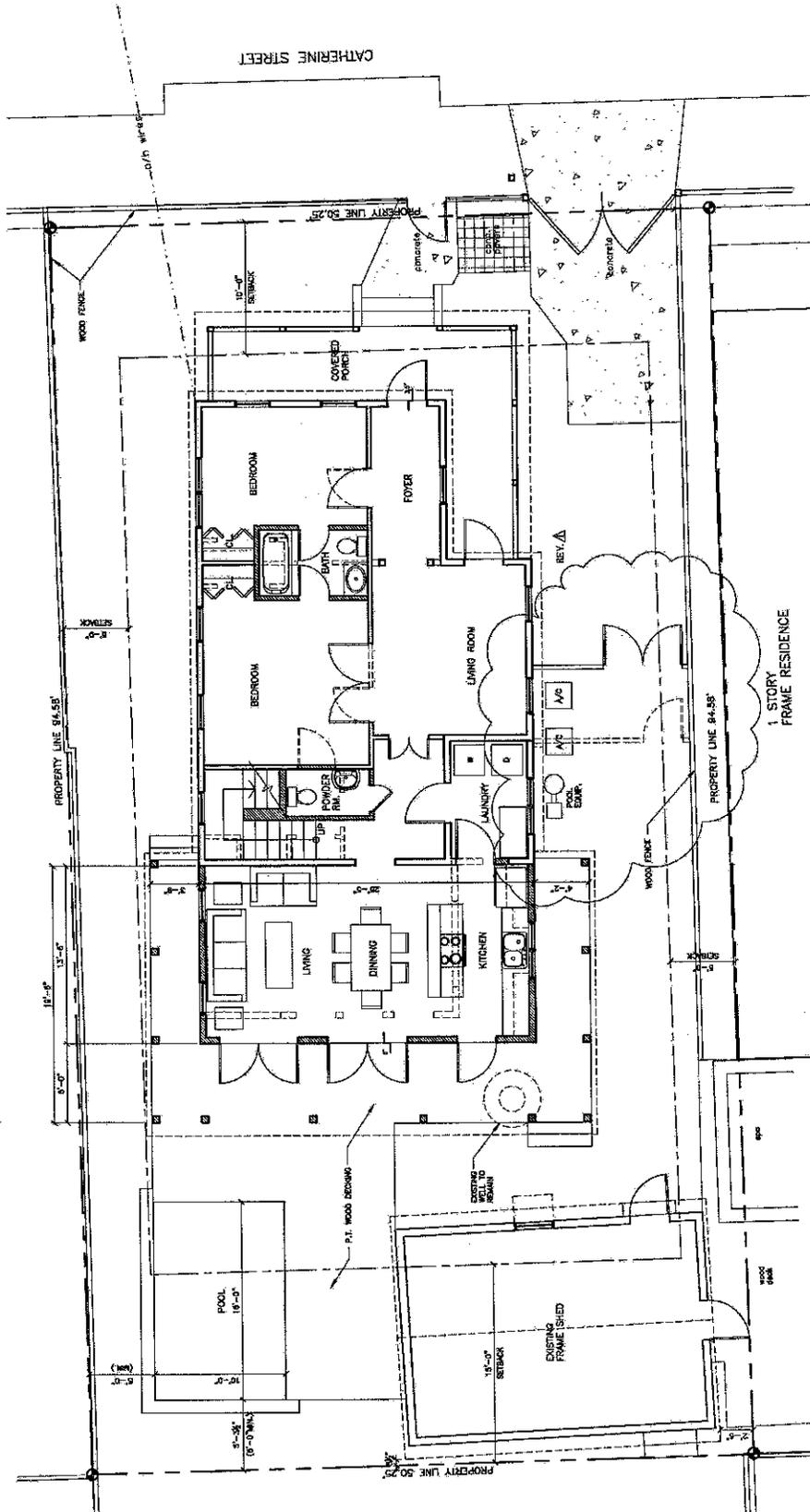
DRAWN BY

EMA

PROJECT  
NUMBER

1013

A-2



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

WALL LEGEND	
	EXISTING MASONRY WALL
	EXISTING FRAME WALL
	NEW WALL
	EXISTING TO BE REMOVED



RECEIVED  
May 31, 2011  
KW Planning Dept

*Handwritten signature*

ADDITIONS AND RENOVATIONS  
321 CATHERINE STREET  
KEY WEST, FLORIDA

