

RESOLUTION NO- 2011-021

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 PER SECTION 122-28 (b) BY GRANTING VARIANCES TO FRONT, SIDE AND REAR YARD SETBACK REQUIREMENTS FOR PROPERTY LOCATED AT 313 TRUMAN AVENUE (RE#00014940-000000), PURSUANT TO SECTION 122-600 (4) a. &(6) a, b & c. UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

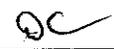
WHEREAS, Section 122-28(b) of the Code of Ordinances provides that if voluntary reconstruction of non-conforming residential structures exceeds 66% of the appraised value of the structure variances are required; and

WHEREAS, Section 122-600 (4) a. and (6)a, b & c. of the Code of Ordinances provides that the maximum building coverage is 40%, the minimum front-yard setback is 10 feet, side-yard setback is 5 feet and the rear yard setback is 15 feet in the HMDR zoning district; and

WHEREAS, the applicant requested variances to building coverage and setbacks to allow improvements to a non-conforming, historically contributing, residential structure which exceeds 66% of the value of that structure; and

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

 Vice Chairman

 Interim Planning Director

on May 19, 2011; and

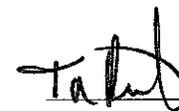
WHEREAS, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

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

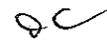
WHEREAS, the Planning Board finds that granting the variances requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

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



Vice Chairman



Interim Planning Director

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 variances 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 building coverage, front, side and rear yard setback requirements, for a


Vice Chairman

Interim Planning Director

renovation project in the Historic Medium Density Residential (HMDR) zoning district for property located at 313 Truman Avenue (RE # 00014940-000000), per Section 122-28 (b), Sections 122-600 (6) a, b & c, of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, is hereby granted as shown on the attached plan set dated November 5, 2010 with the following condition:

The swale shown on the plans be installed and actively maintained.

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 this variance is 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 this variance is 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 this variance, which the variances shall be of no force or effect.



Vice 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.

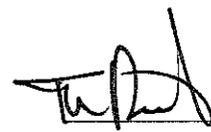
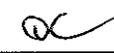
Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

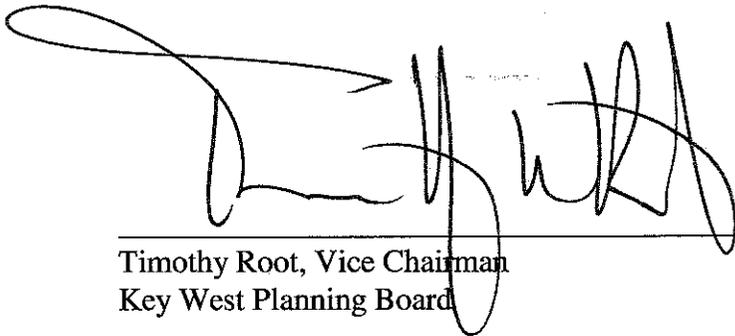
Section 7. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant 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 19th day of May, 2011.

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

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Interim Planning Director

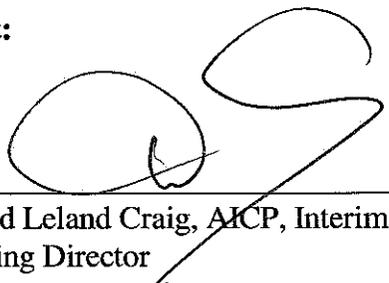


6/1/11

Timothy Root, Vice Chairman
Key West Planning Board

Date

Attest:

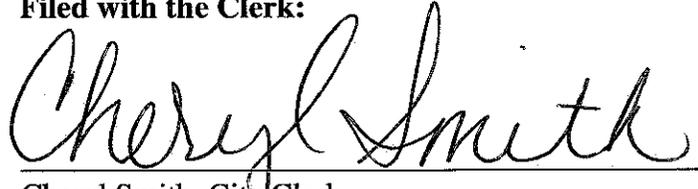


5.31.11

Donald Leland Craig, AICP, Interim Planning Director
Planning Director

Date

Filed with the Clerk:

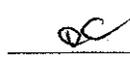


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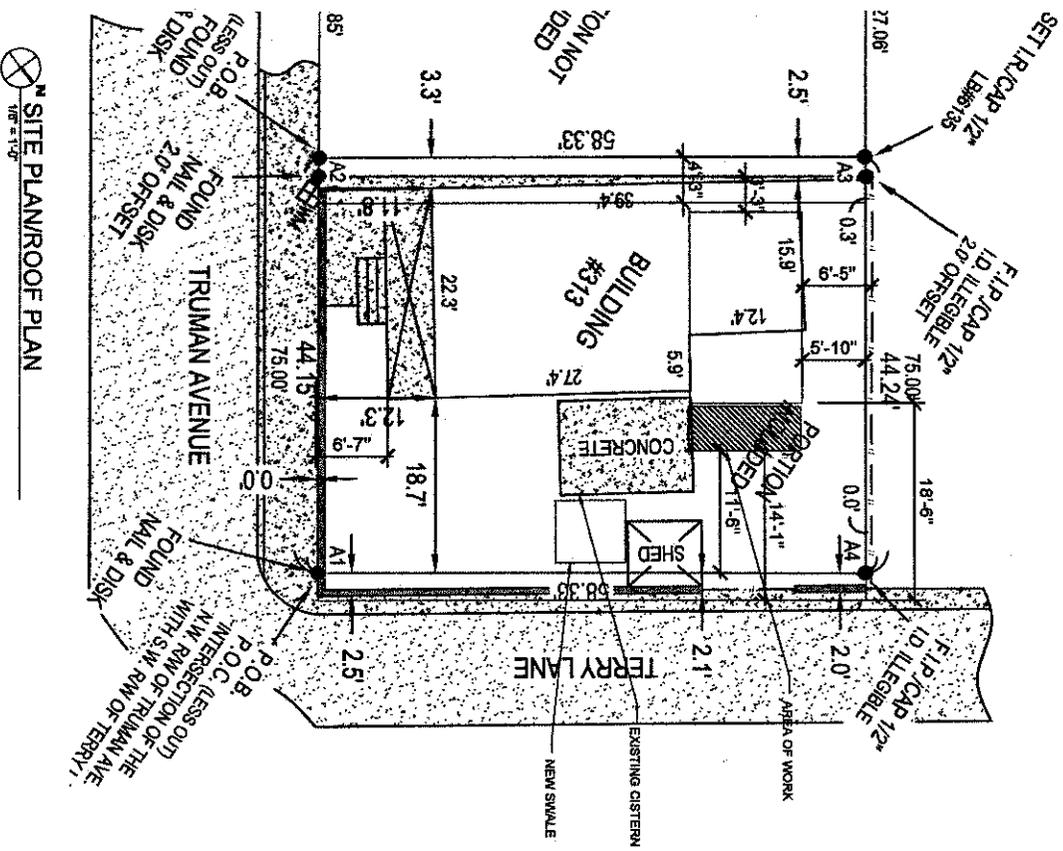
Cheryl Smith, City Clerk

Date

 Vice Chairman

 Interim Planning Director

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1/8" = 1'-0"
N SITE PLAN/ROOF PLAN

GENERAL SCOPE OF WORK

THIS PROJECT CONSISTS OF THE REMODELING OF AN EXISTING STRUCTURE IN THE HISTORIC SECTION OF KEY WEST. THE REAR OF THE STRUCTURE CONSISTS OF SEVERAL ADDITIONS DONE OVER A PERIOD OF YEARS.

- 1. RECONFIGURE WINDOWS ON RIGHT SIDE OF NEW ADDITION.
- 2. BUILD 2 STOREY PORCH.

NOTE: THIS IS A GENERAL SCOPE OF WORK AND DOES NOT DESCRIBE ALL THE TASKS REQUIRED TO ACCOMPLISH THESE MAJOR ITEMS. THERE IS AN ADDITION TO THE FOOTPRINT.

STORMWATER DRAINAGE PLAN

EXISTING ROOF RUNOFF TO BE COLLECTED BY GUTTERS AND DIRECTED INTO EXISTING CISTERN. NEW ROOF RUNOFF SHALL BE COLLECTED BY GUTTERS AND DIRECTED TO A 35 CUBIC FOOT SWALE AS SHOWN IN THE DRAWING.



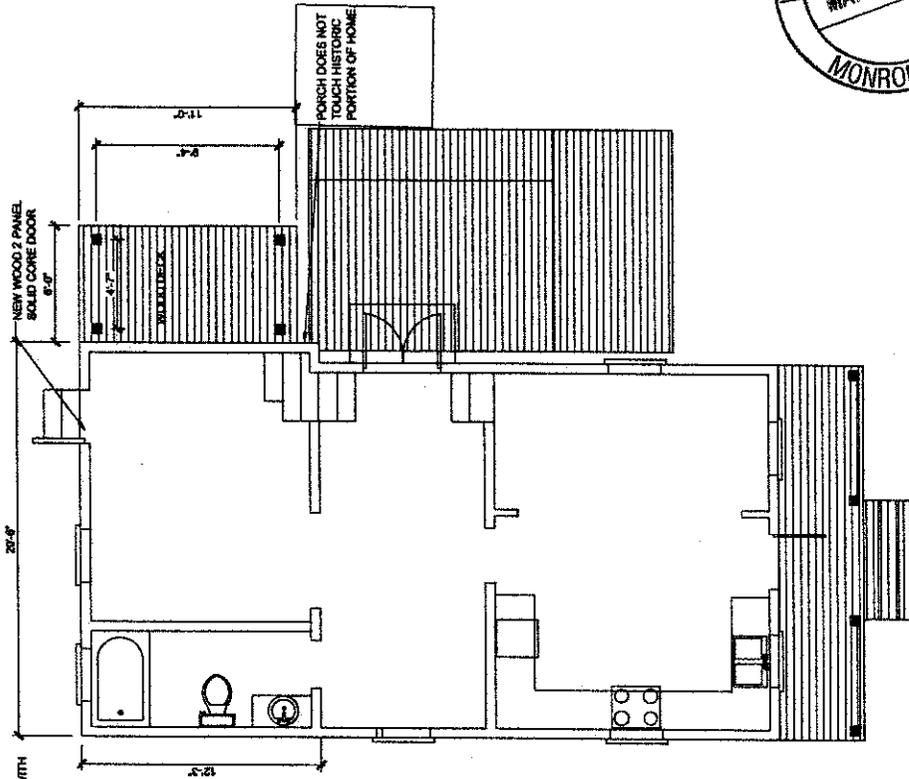
C1

Project Number: 1031 STRU
Date: 11/06/2010
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COR

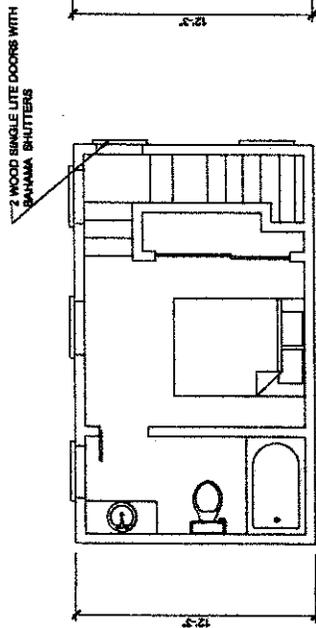
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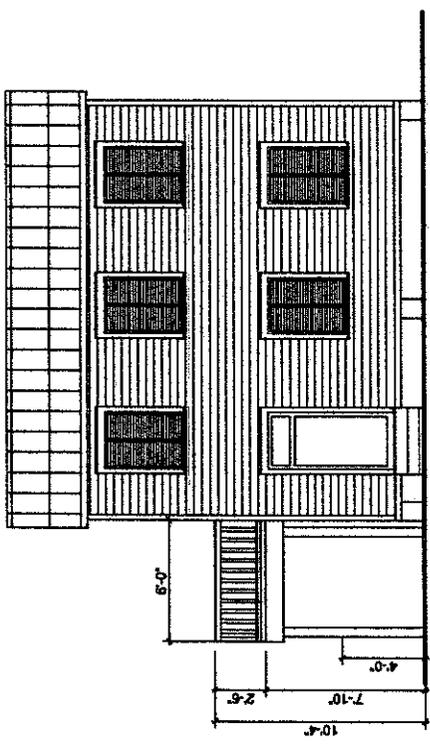


PROPOSED 1ST FLOOR PLAN
1/4" = 1'-0"

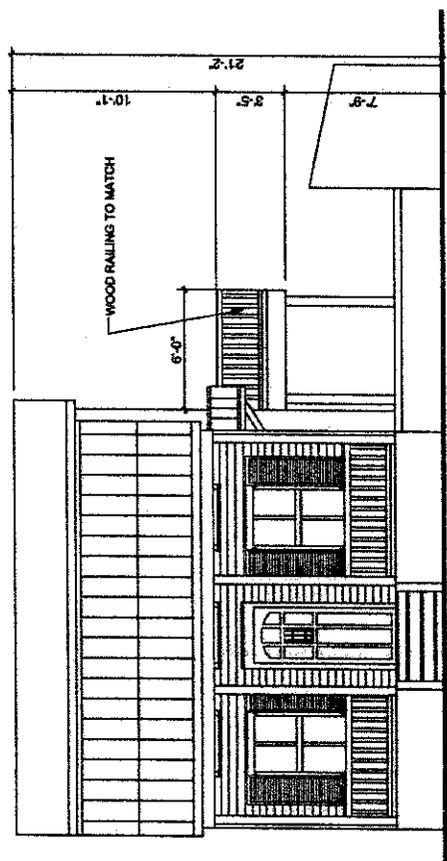


PROPOSED 2ND FLOOR PLAN
1/4" = 1'-0"

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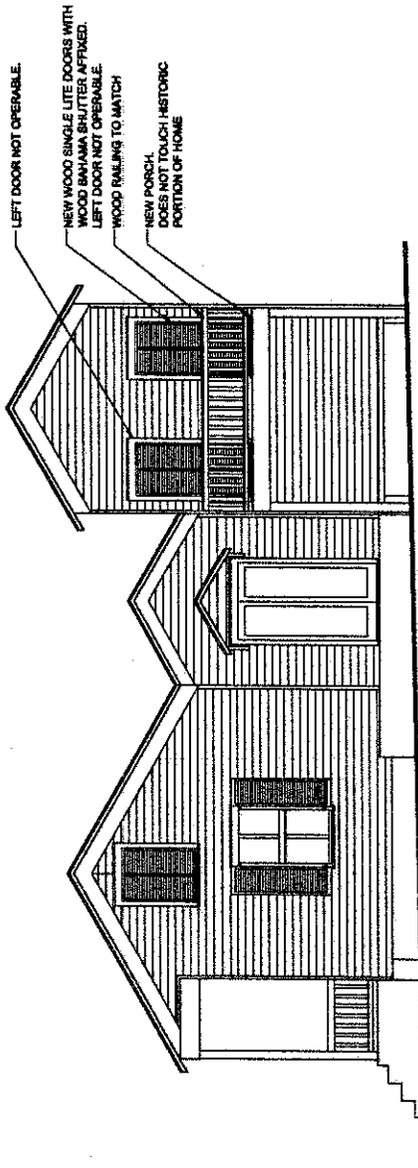


REAR ELEVATION
1/4" = 1'-0"

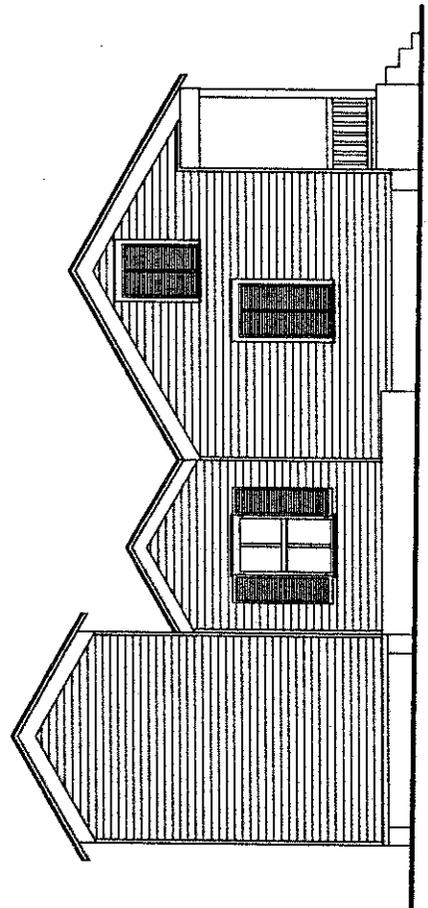


FRONT ELEVATION
1/4" = 1'-0"

OC
TKR



RIGHT ELEVATION
1/4"=1'-0"



LEFT ELEVATION
1/4"=1'-0"

PC