

**RESOLUTION NO- 2011-034**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD TO ALLOW THE RENOVATION AND RECONSTRUCTION OF A NON-CONFORMING STRUCTURE WHICH EXCEEDS 66% OF THE VALUE OF THE EXISTING STRUCTURE BY GRANTING VARIANCES TO SIDE AND REAR-YARD SETBACK REQUIREMENTS FOR PROPERTY LOCATED AT 616 VIRGINIA STREET (RE#00027560-000000), PURSUANT TO SECTION 122-810 (6) 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 a non-conforming residential structure exceeds 66% of the appraised value, variances are required; and

**WHEREAS**, Section 122-810 (6) b. & c. of the Code of Ordinances provides that the minimum side-yard setback is 5 feet and the minimum rear-yard setback is 15 feet in the HNC-1 zoning district; and

**WHEREAS**, the applicant requested a variance to the side and rear-yard 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 on June 29, 2011; and

  
Chairman

  
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

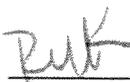
**WHEREAS**, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

**WHEREAS**, the Planning Board finds that granting the 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

**WHEREAS**, the Planning Board finds that the granting of the variances will be in harmony

  
\_\_\_\_\_ Chairman

  
\_\_\_\_\_ Planning Director

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

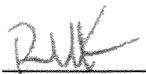
**WHEREAS**, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variance; and

**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 side and rear-yard setback requirements, for a renovation project in the Historic Neighborhood Commercial (HNC-1) zoning district for property located at 616 Virginia

  
Chairman

  
Planning Director

Street (RE # 00027560-000000), per Section 122-28 (b) and Section 122-810 (6) 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 March 29, 2011 with the following condition:

The owner will actively maintain the swale shown on the plans for stormwater retention.

**Section 3.** It is a condition of this variance approval 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 approval, 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 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 approval 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 3 hereof, shall immediately operate to terminate this variance approval, which the variance approval shall be of no

  
Chairman  
  
Planning Director

force or effect.

**Section 5.** This variance approval 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 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.

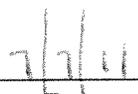
Read and passed on first reading at a special scheduled meeting held this 29th day of June, 2011.

 Chairman

 Planning Director

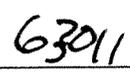
Authenticated by the Chairman of the Planning Board and the Planning Director.

  
\_\_\_\_\_  
Richard Klitenick, Chairman  
Key West Planning Board

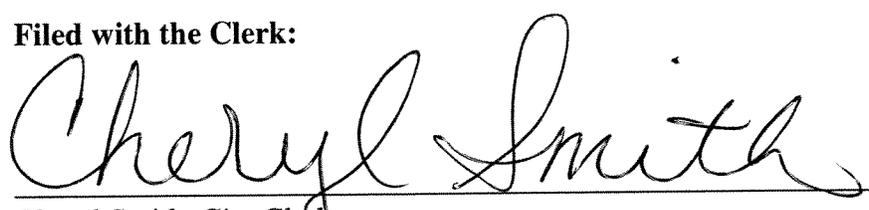
  
\_\_\_\_\_  
Date

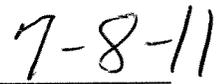
**Attest:**

  
\_\_\_\_\_  
Donald Leland Craig, AICP  
Planning Director

  
\_\_\_\_\_  
Date

**Filed with the Clerk:**

  
\_\_\_\_\_  
Cheryl Smith, City Clerk

  
\_\_\_\_\_  
Date

 Chairman  
 Planning Director

# GLENN STEVENSON

## RESIDENTIAL REMODELING PROJECT

616 VIRGINIA STREET, KEY WEST, FLORIDA 33040

### VARIANCE SUBMITTAL

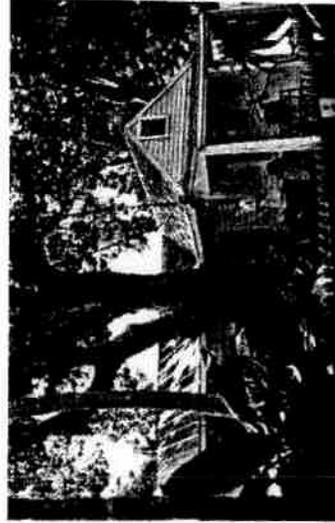
MARCH 29, 2011

#### Drawing Index

- GENERAL  
A0.1.1 Cover
- ARCHITECTURAL  
A1.1.1 Existing and Proposed Site  
A2.1.1 Existing and Proposed Floor Plans  
A3.1.1 Existing Elevations  
A3.1.1 Proposed Elevations

QC  
6/30/11

*Back  
7/27/11*



VIRGINIA STREET VIEW

**GLENN STEVENSON**

RESIDENTIAL REMODELING PROJECT  
**VARIANCE SUBMIT.**

**mbi|k2m**  
ARCHITECTURE, INC.

1001 Whitehead St., Suite 101, Key West, Florida 33040  
Tel: 305-292-7722 | Fax: 305-292-7182  
Email: info@mbi-k2m.com | URL: www.mbi-k2m.com  
PROF. REG. AA28001069

**SUBMISSIONS**

DATE OF SUBMISSION: \_\_\_\_\_  
DATE OF REVIEW: \_\_\_\_\_  
DATE OF APPROVAL: \_\_\_\_\_

Project No. \_\_\_\_\_  
MC-10100 \_\_\_\_\_  
Project Name: \_\_\_\_\_

Design Development  
**COVER SHEET**

**A0.1.1**

DATE: March 29, 2011

CD011 by mbi|k2m Architecture, Inc.

PLOTTED: 3/29/2011 11:24 AM







**mbi | k2m**  
 ARCHITECTURE, INC.  
 ARCHITECTURE, INTERIOR DESIGN,  
 PROJECT MANAGEMENT,  
 CONSTRUCTION ADMINISTRATION,  
 COMMUNITY CONSULTING  
 1001 W. UNIVERSITY BL., SUITE 101  
 BOCA RATON, FLORIDA 33433  
 TEL: 561-993-2122  
 FAX: 561-993-2123  
 WWW.MBIK2M.COM

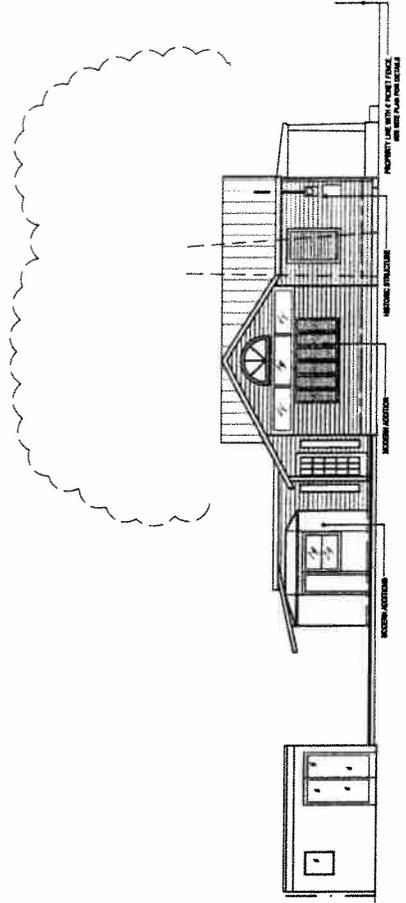
PROJECT:   
 LOCATION:   
 DATE:   
 DRAWN BY:   
 CHECKED BY:   
 APPROVED BY:

NOTES:   
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.   
 2. FINISHES ARE TO BE DETERMINED AT THE TIME OF CONSTRUCTION.   
 3. SEE SEPARATE SHEETS FOR SCHEDULES AND SPECIFICATIONS.

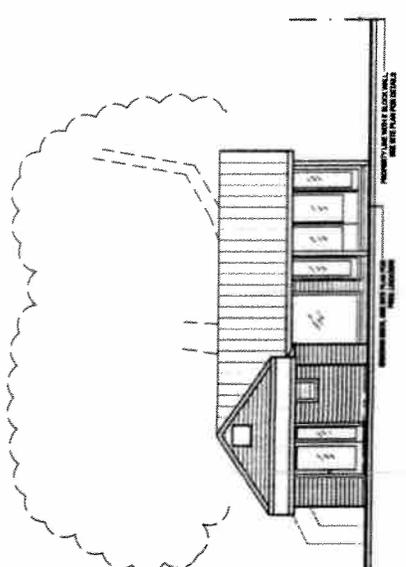
GLENN STEVENSON  
 RESIDENTIAL REMODELING PROJECT  
 618 VIRGINIA STREET  
 KEY WEST, FL 33040

NO.	DATE	DESCRIPTION
1	08/11/11	ISSUED FOR PERMITS
2	08/11/11	ISSUED FOR PERMITS
3	08/11/11	ISSUED FOR PERMITS
4	08/11/11	ISSUED FOR PERMITS

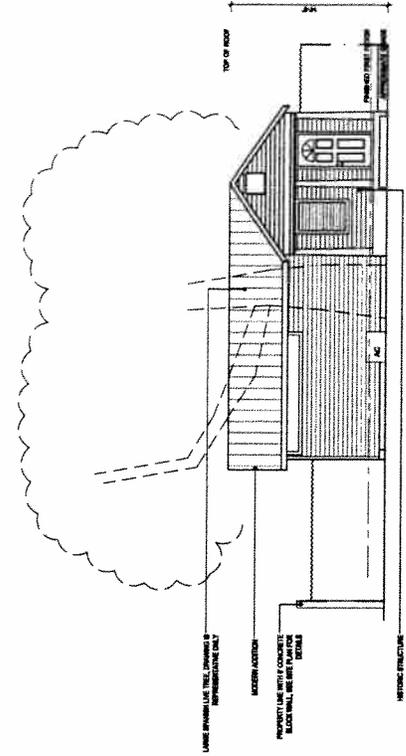
EXISTING ELEVATIONS  
 AE3.1.1



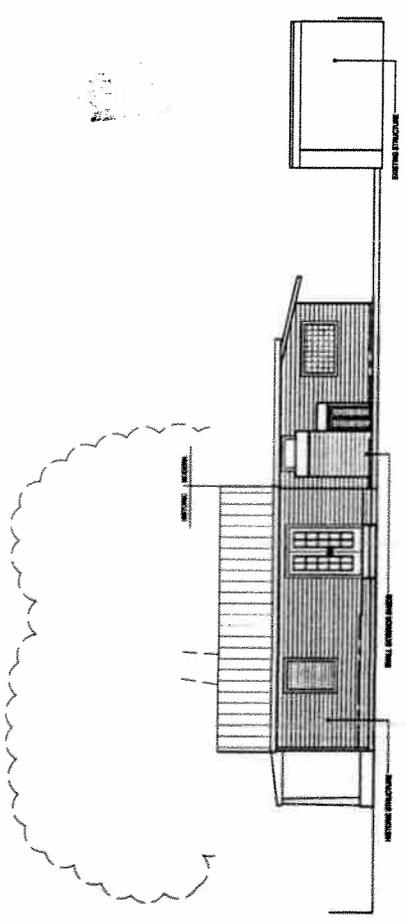
2 EAST (LEFT) ELEVATION  
 SCALE: 3/16"=1'-0"



3 SOUTH (REAR) ELEVATION  
 SCALE: 3/16"=1'-0"



1 NORTH (VIRGINIA ST.) ELEVATION  
 SCALE: 3/16"=1'-0"



4 WEST (RIGHT) ELEVATION  
 SCALE: 3/16"=1'-0"

DC  
 0304  
 RSK  
 7/7/11