

**RESOLUTION 2011- 042**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD TO ALLOW THE RENOVATION OF A NON-CONFORMING STRUCTURE WHICH EXCEEDS 66% OF THE VALUE OF THE EXISTING STRUCTURE BY GRANTING VARIANCES TO SIDE, REAR AND STREETSIDE YARD SETBACK REQUIREMENTS FOR PROPERTY LOCATED AT 730 SOUTHARD STREET (RE#00011690-000000), PURSUANT TO SECTION 122-630 (6) b. c. & d. 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 122-630 (6) b. c. & d. of the Code of Ordinances provides that in the HHDR zoning district the minimum side-yard building setback is five feet, the rear-yard setback is 20 feet and the street side setback is five feet; and

**WHEREAS**, the applicant requested variances 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 August 18, 2011; and

  
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Chairman  
  
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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

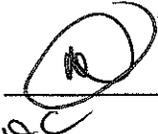
**WHEREAS**, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

**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

  
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Chairman  
  
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Planning Director

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

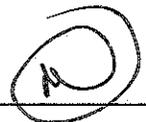
**WHEREAS**, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variance; and

**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, rear and street side-yard setback requirements, for a renovation project in the Historic High Density Residential (HHDR) zoning district for property located at 730

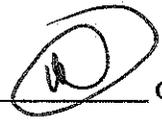
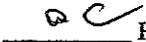
  
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Chairman  
  
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Planning Director

Southard Street (RE # 00011690-000000), per Section 122-28 (b) and Section 122-630 (6) b. c. & d., 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 28, 2011.

**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 their entirety within two years after the date hereof; and further, that no application or reapplication for new construction for which these 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 these variances are 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 these variances, which the variance 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

  
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Chairman  
  
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Planning Director

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.

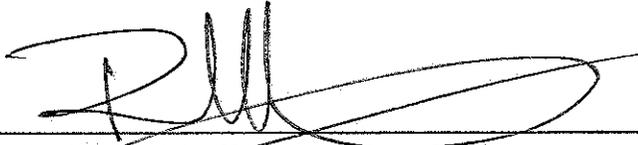
**Section 7.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. 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 18th day of August, 2011.

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

  
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Chairman

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



Richard Kitenick, Chairman  
Key West Planning Board

8/26/2011  
Date

**Attest:**



Donald Leland Craig, AICP, Planning Director  
Planning Director

8/30/11  
Date

**Filed with the Clerk:**

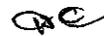


Cheryl Smith, City Clerk

8/30/2011  
Date

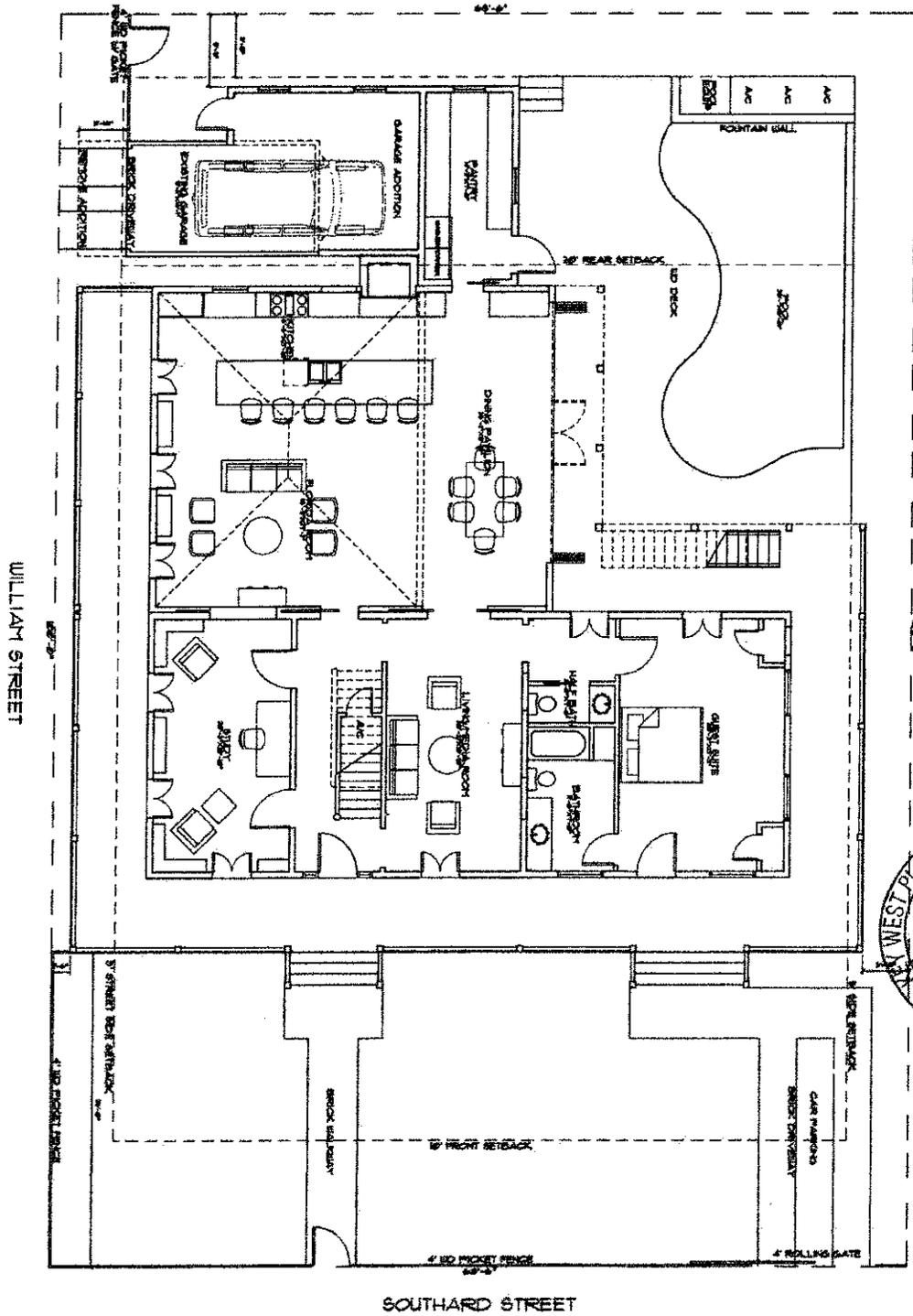


Chairman



Planning Director

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Site/First Floor Plan



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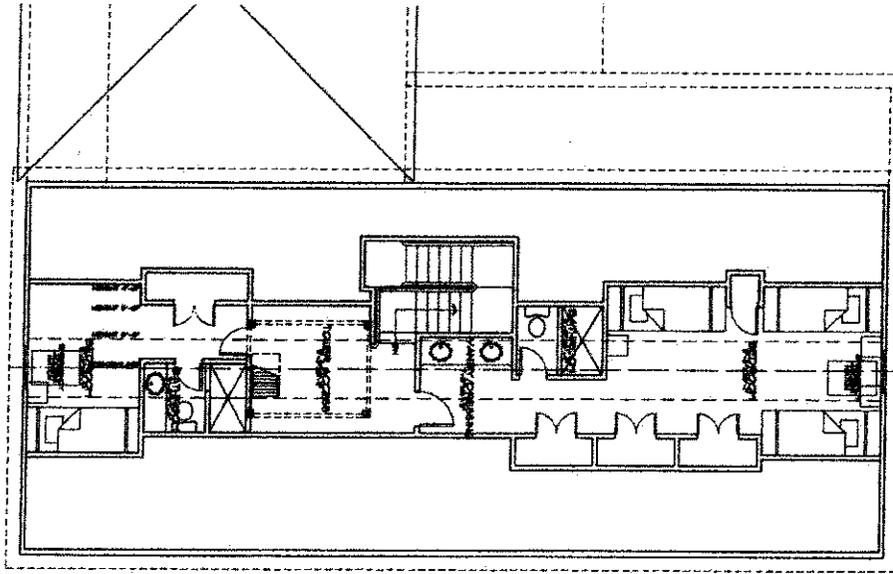
THOMAS E. POPE, P.A. ARCHITECT  
7009 Shrimp Road #4, Key West FL  
(305) 296 3611  
TEPopePA@aol.com

**Barletta Residence**  
730 Southard Street  
Key West, FL

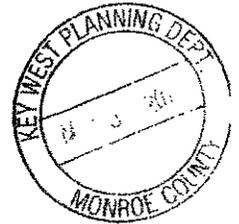
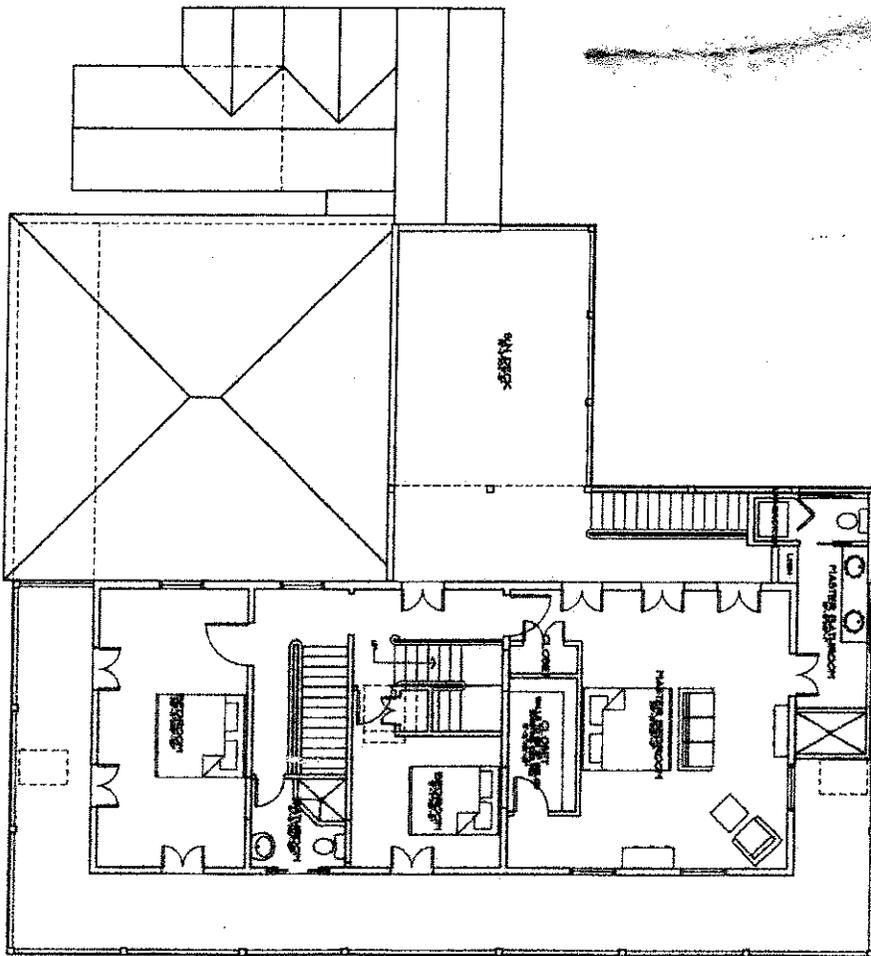
**Barletta Residence**  
730 Southard Street  
Key West, FL



Attic Plan



Second Floor Plan



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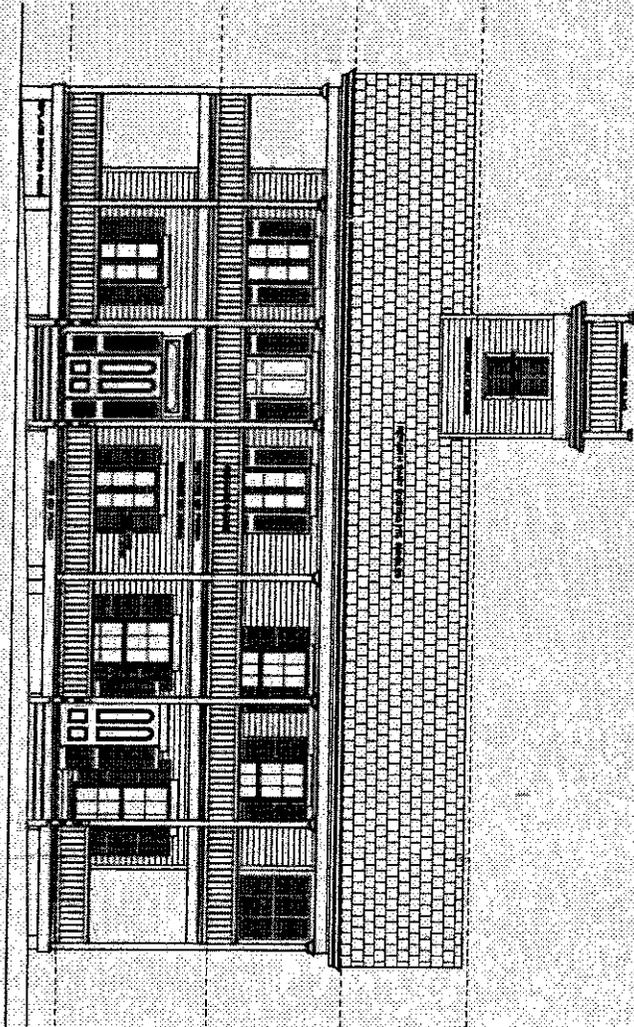
THOMAS E. POPE, P.A. ARCHITECT  
7009 Shrimp Road #4, Key West, FL  
(305) 286 3611 TEPopePA@aol.com

Barietta Residence  
730 Southard Street Key West, FL

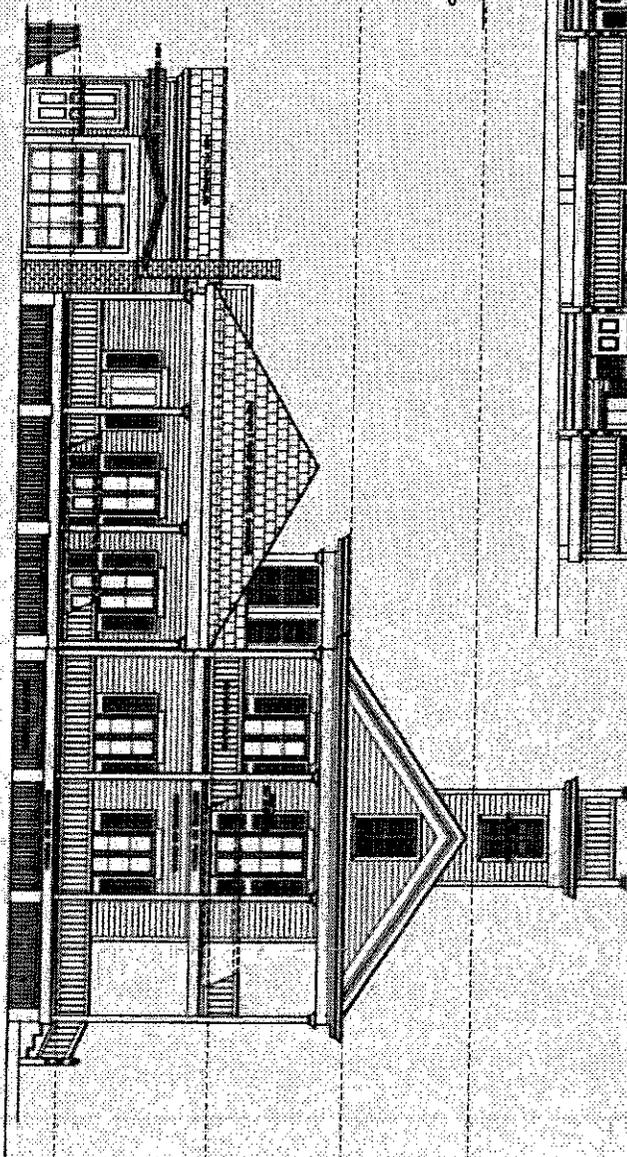


Southard St. Elevation

NOTE: CONSTRUCTION TO REMOVE AND REPLACE SHALL BE PERMITTED BY ARCHITECT AND APPROVED BY LOCAL COMMISSION.



William St. Elevation



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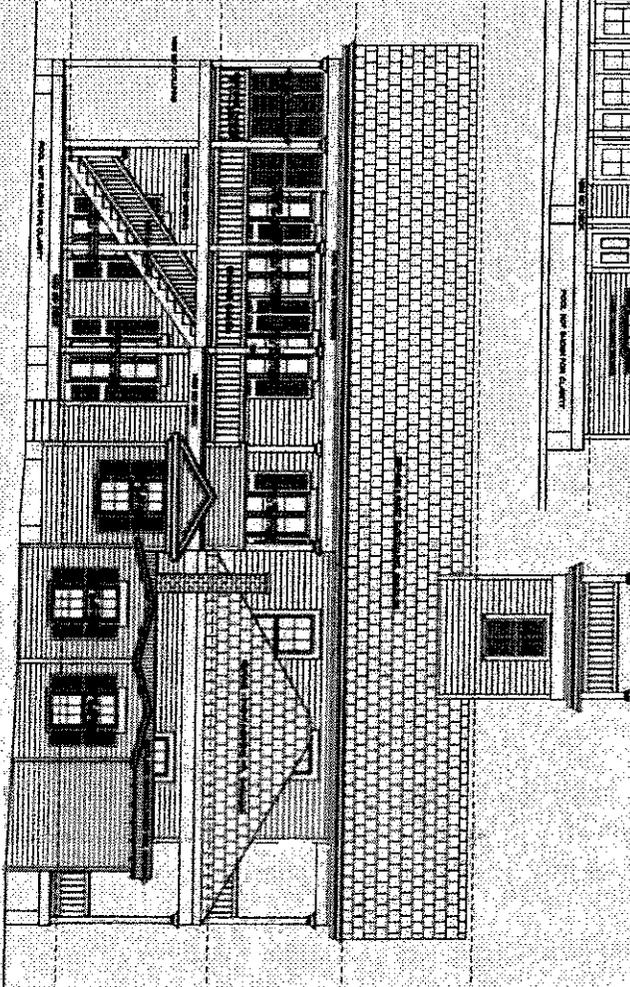
DATE  
SCALE  
BY

THOMAS E. POPE, P.A. ARCHITECT  
2060 Veterans Road #4, Key West, FL  
(305) 239-1641  
TEPopePA@earthlink.net

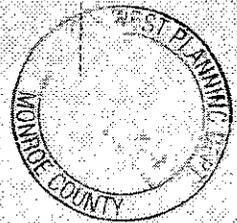
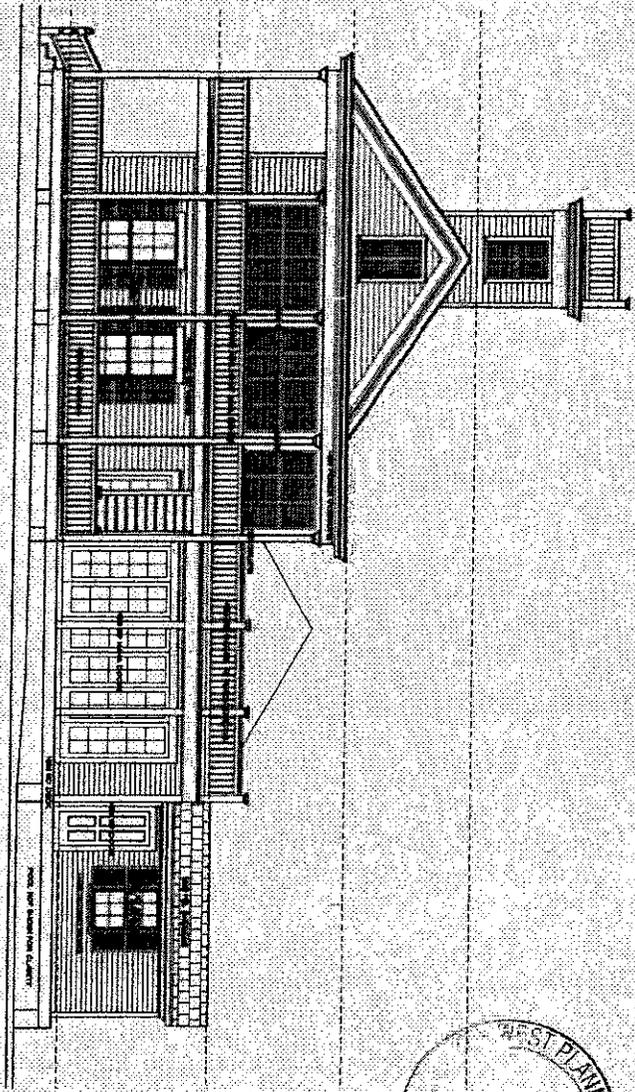
Barletta Residence  
730 Southard Street  
Key West, FL



William St. Side Elevation



Southern St. Side Elevation



*[Handwritten signature]*

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THOMAS E. POPE, P.A. ARCHITECT  
7008 Sebring Road #4, Key West, FL  
(304) 864-0611 | TEPope@aol.com

Barletta Residence  
750 Southern Street  
Key West, FL



### SITE ANALYSIS

ZONING	HHDR
SITE AREA	6,850± (0.16 AC)
FLOOD ZONE	X
MAX LOT COVERAGE	50% (3,425 SF)
EXISTING LOT COVERAGE	42.3% (2,900 SF)
PROPOSED LOT COVERAGE	49.4% (3,384 SF)
MAX HEIGHT	30'
SETBACKS	
FRONT	10'
REAR	20'
SIDE	5'
STREET SIDE	5'
MAX IMPERVIOUS SURFACE	60% (4,110 SF)
EXISTING IMPERVIOUS SURFACE	50.4% (3,425 SF)
PROPOSED IMPERVIOUS SURFACE	54.9% (3,760 SF)

