

**PLANNING BOARD RESOLUTION
2011- 046**

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING VARIANCES TO THE FRONT-YARD SETBACK REQUIREMENT AND PROHIBITION ON ILLUMINATED SIGNAGE TO REPLACE AN EXISTING NON-CONFORMING SIGN FOR PROPERTY LOCATED AT 2318 FOGARTY AVENUE / 1311 FIFTH STREET (RE#00048900-000000), PURSUANT TO DIVISION 2 SECTION 114-71 UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Division 2, Section 114-71 of the Code of Ordinances provides that the front-yard setback for signs in the Single Family (SF) zoning district is twelve feet; and

WHEREAS, the proposed replacement sign has an illuminated changing-copy electronic display with the existing setback of zero feet; and

WHEREAS, the applicant requests a variance to the front-yard setback requirement and prohibition on illuminated signage to allow for the replacement of an existing non-conforming sign; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on September 15, 2011; and

 _____ Acting 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 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 granting of the variance will be in harmony

 Acting 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

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 a variance for the replacement of a non-conforming sign with an illuminated sign of the same size within the required front-yard setback for a property in the Single Family (SF) zoning district located at 2318 Fogarty Avenue / 1311 Fifth Street (RE# 00048900-000000), per Division 2, Section 114-71 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown on the attached plan set.

Section 3. It is a condition of this variance that full, complete, and final application for all conditions of this approval for any use and occupancy for which this variance is wholly or partly

 _____ Acting Chairman

 _____ Planning Director

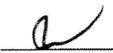
necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application or shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

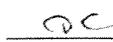
Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to this variance in accordance with the terms of and as described in Section 3 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

Section 5. This variance 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 Planning Board Chairman, the Planning Director and the City Clerk.

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

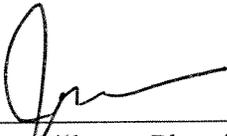
 Acting Chairman

 Planning Director

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 15th day of September, 2011.

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



James Gilleran, Planning Board Member, Acting Chairman
Key West Planning Board

9-23-11

Date

Attest:

 Acting Chairman
 Planning Director

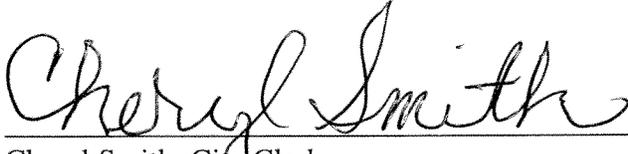


Donald Leland Craig, AICP, Planning Director

9/19/11

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

9-23-11

Date

 Acting Chairman

 Planning Director

DATE: 03/21/2011

FAX: 296-4020

EMAIL: Oscar.Rodriguez@bellsouth.net

INVOICE #: SO1278 v2

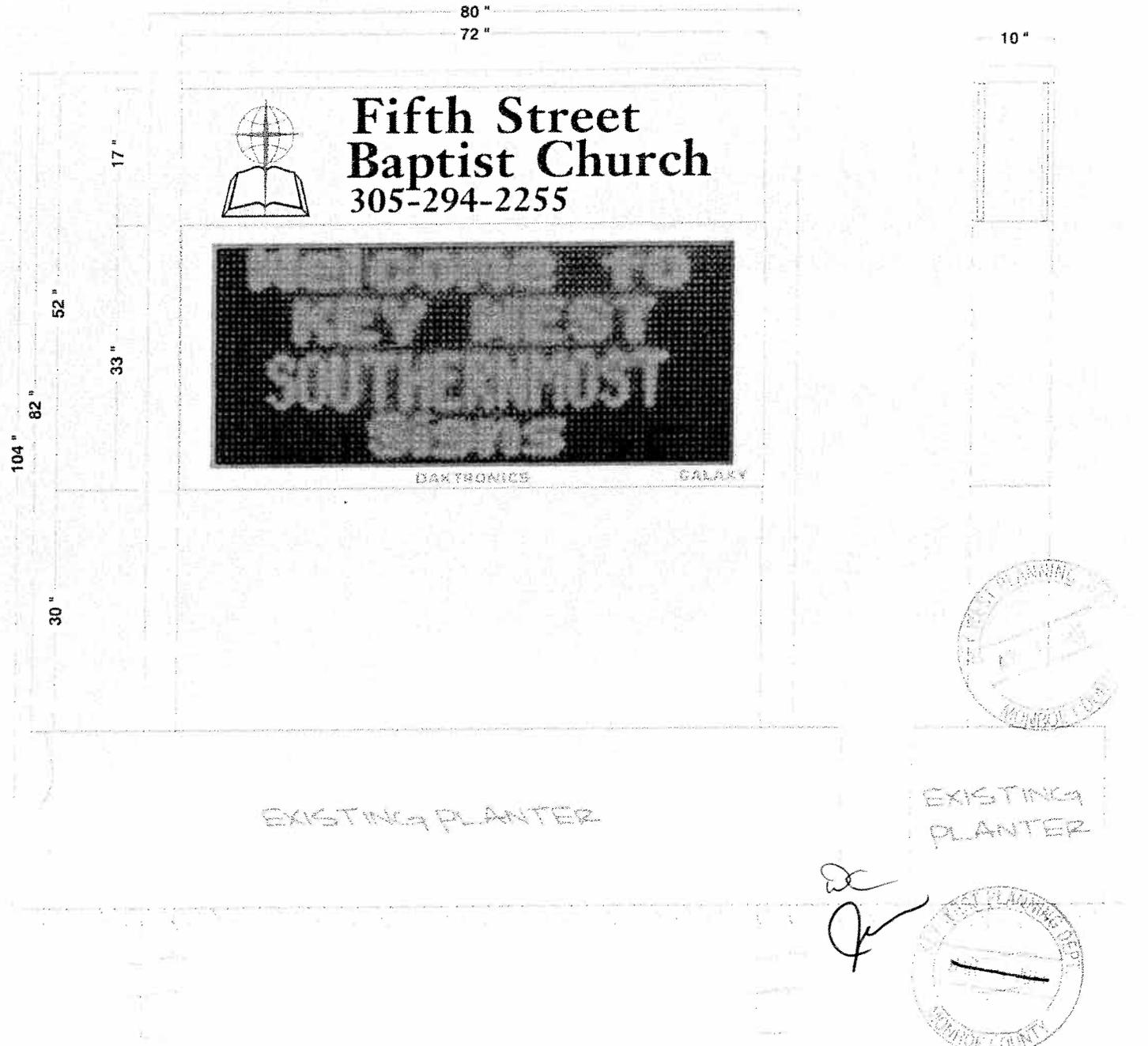
Fifth Street Baptist Church

CONTACT: Oscar 395-2897



305-294-1877 FAX 305-295-6699
smsigns@bellsouth.net www.SouthernmostSigns.com

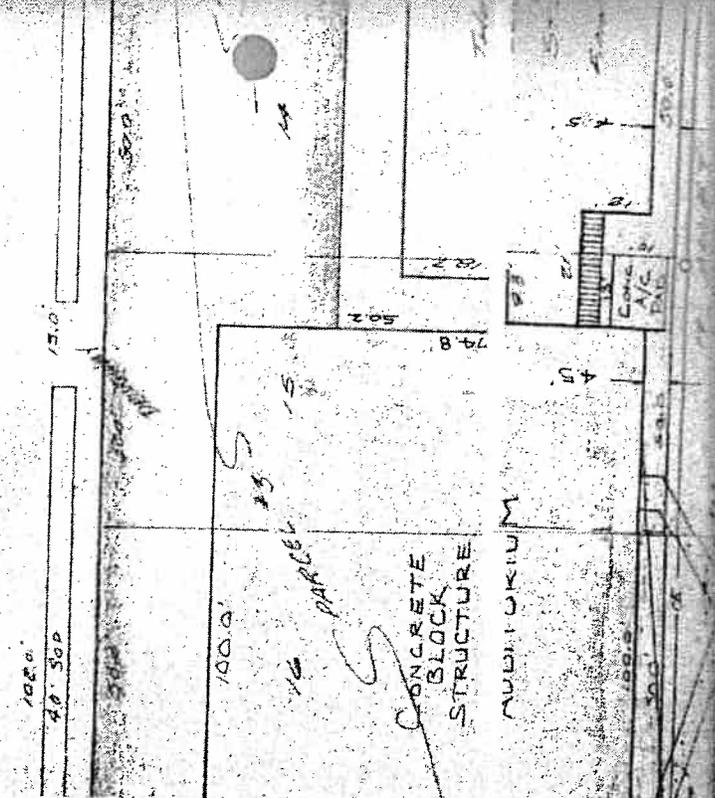
Double-sided Post Sign, quantity = 1
upper panel: 2 single-faced 72"w x 17"h x 3/4" PVC, white with applied copy
lower section: Daktronics Galaxy AF-3500-32x80-R-DF display
red LED, 4 lines of 16" characters max (5" letters), letter size range: 5" - 25"
custom painted bezel and box, white
posts: 2 12' 4x4x1/4" aluminum post, painted white, set 3' into cap rock



Please fax back → X your signature

Client Signature - Approval to Fabricate

FOGART



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ELEVATIONS ARE SHOWN
 IN PARENTHESIS AND
 REFER TO MEAN SEA
 LEVEL NGVD (1929)

RR

Cond. Concrete
 OE Overhead Electric
 5/4 5/5 5/6 5/7 5/8 5/9 5/10 5/11 5/12 5/13 5/14 5/15 5/16 5/17 5/18 5/19 5/20 5/21 5/22 5/23 5/24 5/25 5/26 5/27 5/28 5/29 5/30 5/31 5/32 5/33 5/34 5/35 5/36 5/37 5/38 5/39 5/40 5/41 5/42 5/43 5/44 5/45 5/46 5/47 5/48 5/49 5/50 5/51 5/52 5/53 5/54 5/55 5/56 5/57 5/58 5/59 5/60 5/61 5/62 5/63 5/64 5/65 5/66 5/67 5/68 5/69 5/70 5/71 5/72 5/73 5/74 5/75 5/76 5/77 5/78 5/79 5/80 5/81 5/82 5/83 5/84 5/85 5/86 5/87 5/88 5/89 5/90 5/91 5/92 5/93 5/94 5/95 5/96 5/97 5/98 5/99 5/100

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Proposed new post sign for Fifth Street Baptist Church



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**Existing
26 sqft
Post
Sign**



**New
Post
Sign**
(retains the
same overall
dimensions
as original)



Proposed new post sign for Fifth Street Baptist Church



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Existing Post Sign
 (note illuminated post sign at church across the street)



New Post Sign
 (retains the same overall dimensions as original)



Handwritten initials: n, oc

Proposed new post sign for Fifth Street Baptist Church



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**New
Post
Sign**
(retains the
same overall
dimensions
as original)



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