

**PLANNING BOARD RESOLUTION  
2011- 047**

**A VARIANCE APPROVAL FOR FRONT AND REAR-YARD  
SETBACK REQUIREMENTS FOR THE CONSTRUCTION OF  
A SINGLE FAMILY DWELLING FOR PROPERTY  
LOCATED AT 2801 VENETIAN DRIVE (RE# 00070990-  
000000) IN THE SF ZONING DISTRICT PER SECTION 122-  
238 (6) 1. & 3. OF THE LAND DEVELOPMENT  
REGULATIONS OF THE CODE OF ORDINANCES OF THE  
CITY OF KEY WEST, FLORIDA**

**WHEREAS**, Section 122-238(6) 1. & 3. of the Code of Ordinances provides that the maximum dimensional requirements for building setbacks in the single-family zoning district are 30 feet in the front, and 25 feet at the rear; and

**WHEREAS**, the applicant requested variances to front (14') and rear yard (5') setbacks for the construction of a single family dwelling; and

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

  
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Acting Chairman  
Planning Director

**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

**WHEREAS**, the Planning Board finds that no nonconforming use of neighboring lands,

  
\_\_\_\_ Acting Chairman  
  
\_\_\_\_ Planning Director

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 front and rear-yard setback requirements for the construction of a single-family dwelling located at 2801 Venetian Drive (RE# 00070990-000000) in the SF zoning district per Section 122-238(6) 1. & 3. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown on the attached plan set dated July 29, 2011, with the following conditions:

1. Removal of all Holly and Cork tree.
2. Protect all Mangroves, Seagrapes and Radiata during construction.
3. Trimming of Mangroves by FDEP permit and City of Key West permit only.
4. All Mangrove branches overhanging the property shall be flagged and protected during construction.

 Acting Chairman

 Planning Director

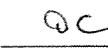
**Section 3.** It is a condition of these variances that full, complete, and final application for all conditions of this approval for any use and occupancy for which these variances are wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further,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

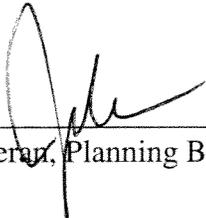
  
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Acting Chairman

  
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Planning Director

**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 15th day of September, 2011

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

  
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James Gilleran, Planning Board Member, Acting Chairman

09-23-11  
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Date

**Attest:**

**Page 5 of 6**  
**Resolution Number 2011- 047**

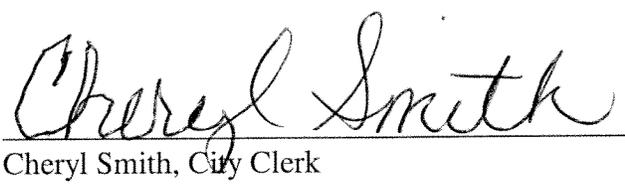
 Acting Chairman  
 Planning Director



Donald Leland Craig, AICP, Planning Director

9/23/11  
Date

**Filed with the Clerk:**



Cheryl Smith, City Clerk

9-23-11  
Date

 Acting Chairman  
 Planning Director

